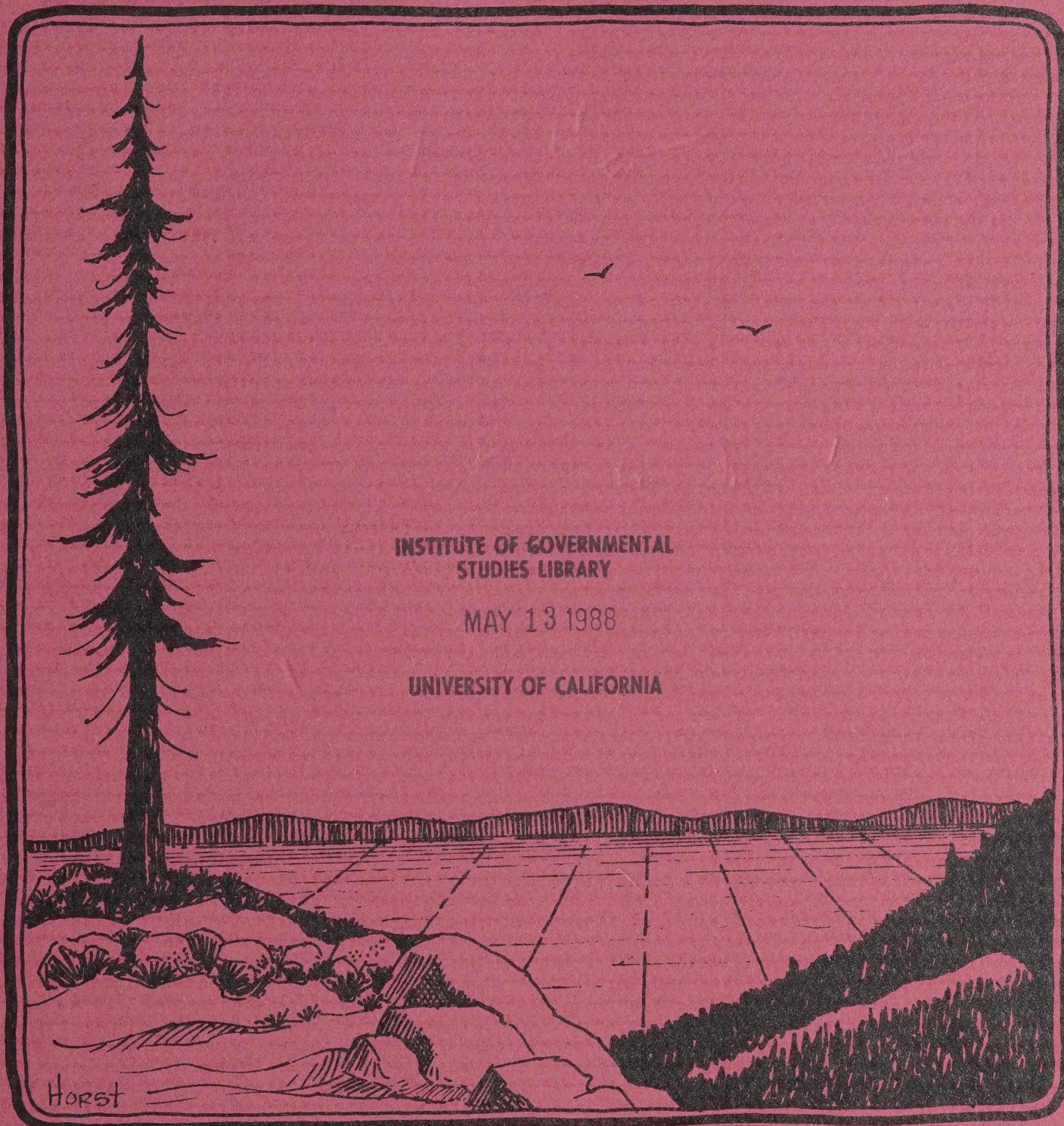


TULARE

COUNTY



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ZONING ORDINANCE

And Related State And Local Land Use Regulations

Prepared By Tulare County Building And Planning Department

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TULARE

COUNTY

ZONING ORDINANCE

And Related State And Local Land Use Regulations

REVISED OCTOBER 24, 1987

ORDINANCE NO. 352, AS AMENDED

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AMENDMENTS TO THE TEXT OF ORDINANCE NO. 352, THE ZONING ORDINANCE OF TULARE COUNTY

Zoning Ordinance

ORDINANCE NO. 352

AN ORDINANCE ESTABLISHING ZONES WITHIN THE COUNTY OF TULARE AND ESTABLISHING CLASSIFICATIONS OF LAND USES AND REGULATING SUCH LAND USES IN SUCH ZONES; REGULATING THE HEIGHT OF BUILDINGS AND OPEN SPACES FOR LIGHT AND VENTILATION; ADOPTING A MAP OF SAID ZONES; DEFINING THE TERMS USED IN SAID ORDINANCE; PROVIDING FOR THE ADJUSTMENT, AMENDMENT AND ENFORCEMENT THEREOF; PRESCRIBING PENALTIES FOR ITS VIOLATION.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE DO ORDAIN AS FOLLOWS:

SECTION 1

An official land-use plan for the County of Tulare is hereby adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly, planned use of land resources.

SECTION 2: DEFINITIONS

This ordinance which defines and makes effective the Land Use Plan of the County of Tulare shall be known as the ZONING ORDINANCE and for the purpose of this ordinance certain words and terms are defined.

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "shall" is mandatory. The term BOARD OF SUPERVISORS means the Board of Supervisors of the County of Tulare, and the term PLANNING COMMISSION means the County Planning Commission of the County of Tulare. The word COUNTY when used means the County of Tulare.

ACCESSORY

A building, part of building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where the wall of an accessory building is part of, or joined to, the wall of the main building, such accessory building shall be counted as part of the main building.

AIRPORT

An area for the landing and taking off of airplanes. (Added by Ord. No. 1169, effective 10-26-67.)

**AIRPORT,
AGRICULTURAL**

An airport which is used solely for agricultural purposes. (Added by Ord. No. 1169, effective 10-26-67.)

ALLEY

A public or private way permanently reserved as a secondary means of access to abutting property.

APARTMENT	A room or a suite of two or more rooms in a multiple dwelling, occupied or suitable of occupancy as a residence for one family.
APARTMENT HOTEL	A building or portion thereof designed for or containing both individual guest rooms or suite of rooms and dwelling units.
APARTMENT HOUSE	See <u>DWELLING, MULTIPLE.</u>
AUTOMOBILE, WRECKING	The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.
BASEMENT	A story partly underground and having one-half or more of its height below the average level of the adjoining ground. A basement, when designed for, or occupied by dwellings, business or manufacturing, shall be considered to be a story.
BIOMASS	Biomass is a term used to describe a variety of biological materials, including but not limited to, the organic portion of municipal trash (garbage, paper, etc.), sewage, trees, plants, manures and various agricultural and forestry wastes. As used in this Ordinance, biomass materials are those materials which can be used directly as a fuel or can be converted to a variety of clean, useful fuels such as alcohol, methane, hydrogen and low-BTU gas. Whether directly or after conversion, biomass can be used to produce electricity, heat, and combustible fuels. (Added by Ord. No. 2350, effective 7-31-80.)
BIOMASS FUEL MANUFACTURE, COMMERCIAL	The manufacture of alcohol or gases derived from the conversion of biomass feedstocks through the process of fermentation and/or distillation, the product of which is intended for sale or trade for use as a fuel or fuel mixture, including the production of anhydrous alcohol, ethanol, methanol, ethane, methane and other similar derivatives. (Added by Ord. No. 2350, effective 7-31-80.)
BIOMASS FUEL MANUFACTURE, PERSONAL	The manufacture of alcohol or gases derived from the conversion of biomass feedstocks through the process of fermentation and/or distillation and intended for personal, non-commercial use as a fuel or fuel mixture, including the production of ethanol, methanol, ethane and methane, but not including the production of anhydrous alcohol. (Added by Ord. No. 2350, effective 7-31-80.)
BOARDING HOUSE	A building where lodging and meals are provided for compensation for five (5), but not more than fifteen (15) persons, not including rest homes.

BORROW PIT

Any premises where dirt, soil, sand, gravel, or other similar materials is removed by excavation, or otherwise, below the grade of the surrounding land. The term "borrow pit" does not include the following uses: (Added by Ord. No. 1169, effective 10-26-67.)

- A. Excavation for the purpose of constructing a building or structure or grading the land around a building or structure.
- B. Excavation of sand, rock or other materials, unsuitable for farming for the purpose of replacing such materials with soil suitable for farming.
- C. Commercial classification of borrow materials.
- D. Rock crushing operations.

BUILDING

A permanently located structure having a roof (all forms of vehicles excluded).

BUILDING HEIGHT

The vertical distance measured from the average level of the highest and lowest point of that portion of the site covered by the building to the uppermost part of the roof.

BUILDING SITE

The ground area of a building or group of buildings together with all open spaces as required by this ordinance.

BUNGALOW COURT

A group of three or more detached one-story, one- or two-family dwellings located upon a single lot, together with all open spaces as required by this ordinance. Two-family dwellings shall mean two units as defined under "Dwelling, Two Family."

BUSINESS AND PROFESSIONAL OFFICES

Any office that is not engaged in the creation, exchange or sale of goods, wares or merchandise. (Added by Ord. No. 1487, effective 2-17-72.)

BUSINESS OR COMMERCE

The purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreational or amusement enterprises or the maintenance and use of offices by professions and trades rendering services.

CAMPGROUND

Land or premises which are used, for a consideration, for occupancy by campers, including camping by tent, recreation vehicle or similar quarters, for seasonal hunting, fishing, recreational or vacation purposes. (Added by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1527, effective 10-12-72; amended by Ord. No. 2453, effective 12-24-81.)

CAMP, PUBLIC

(Repealed by Ord. No. 1527, effective 10-12-72.)

CLINIC, DENTAL OR MEDICAL	A building in which a group of physicians and/or dentists and allied professional assistants are associated for the purpose of carrying on their professions. The clinic may include a dental or medical laboratory but it shall not include in-patient care or operating rooms for major surgery. (Added by Ord. No. 650, effective 3-27-58.)
CLUB	An association of persons for some common non-profit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.
COMMISSION	Shall mean the "County Planning Commission."
CONVALESCENT HOMES	See <u>REST HOMES</u> .
CORRECTIONAL INSTITUTION	A public facility, including jails, which is used for the housing or confinement of persons while on trial for an offense or punishment after trial and conviction. As used in this ordinance, a correctional institution also includes any accessory building and uses customarily incident to such institutions when located on the same lot or parcel, including but not limited to facilities for correction or rehabilitation of the inmates of the institution. (Added by Ord. No. 2430, effective 8-28-81.)
DWELLING	A building or portion thereof designed for or occupied exclusively for residential purposes, including one-family, two-family and multiple dwellings, but not including hotels, boarding and lodging houses.
DWELLING UNIT	Two or more rooms in a dwelling or apartment hotel designed for or occupied by one family for living or sleeping purposes and having only one (1) kitchen.
DWELLING, ONE FAMILY	A detached building designed for or occupied exclusively by one (1) family. A one family dwelling may include a second unit subject to the provisions of subparagraph c of paragraph 6 of subsection A of section 15 of this ordinance. (Amended by Ord. No. 2562, effective 9-22-83.)
DWELLING, TWO FAMILY	A building designed for or occupied exclusively by two (2) families, living independently of each other.
DWELLING, MULTIPLE	A building or portion thereof, designed for or occupied by three (3) or more families living independently of each other.
EDUCATIONAL INSTITUTIONS	Colleges or universities supported wholly or in part by public funds and other colleges, universities or other schools giving general academic instruction, as determined by the State Board of Education.

FAMILY	An individual, or two (2) or more persons related by blood or marriage, and/or a group of not more than six (6) persons, excluding servants, who are not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. (Added by Ord. No. 1459, effective 10-1-71.)
FEED LOT	An enclosed area where bovine animals, sheep, goats, horses, mules, swine or other similar domesticated quadrupeds are held for concentrated feeding or display preliminary to slaughtering, shipping or resale. (Added by Ord. No. 1169, effective 10-26-67.)
FEED MILL	Machinery in a building or structure, or in an open area, which is used to mix and/or grind grain and/or fiber for bulk use or for packaging for food for farm animals. (Added by Ord. No. 1169, effective 10-26-67.)
FLAMMABLE LIQUID	Any liquid, not intended for human consumption, having a flashpoint (closed cup test) below 100 degrees Fahrenheit, and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit. (Added by Ord. No. 1557, effective 4-12-73.)
FLOOD, BASE	The flood having a one percent chance of being equaled or exceeded any given year. (Added by Ord. No. 2741, effective 12-4-86.)
FLOOD, INTER-MEDIATE REGIONAL	(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2741, effective 12-4-86.)
FLOOD PLAIN	The relatively flat area adjacent to rivers or streams which may be subject to periodic inundation by flood waters. (Added by Ord. No. 1371, effective 4-16-70.)
FLOOD PLAIN, PRIMARY	(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2741, effective 12-4-86.)
FLOOD PLAIN, SECONDARY	(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2741, effective 12-4-86.)
FLOODWAY	The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is identified on the County Zoning Map by the F-1, Primary Flood Plain Zone. (Added by Ord. No. 2741, effective 12-4-86.)
FLOOD, SELECTED	The flood magnitude as selected by the Board of Supervisors as a basis for determining the lateral boundaries of the flood plain area to be subject to flood plain regulations. The flood selected for the purposes of this Ordinance shall be any one or more of the following:

- (a) The flood established on the Flood Insurance Rate Map (FIRM), the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to Tulare County pursuant to the National Flood Insurance Act.
- (b) The flood established in the Flood Boundary Floodway Map, the official map on which the Federal Emergency Management Agency has delineated both the areas of flood hazard and the floodway pursuant to the National Flood Insurance Act.
- (c) The flood established on the Designated Floodway Map, the official map adopted by the Reclamation Board of the State of California when acting within its jurisdiction.
- (d) The flood established by the State Department of Water Resources or State Reclamation Board after completion of a Federal project report in conformance with Section 8411 of the California Water Code.

Where there is conflicts between floods so established, the flood which encompasses the most area shall be deemed the "selected flood" for the purposes of this Ordinance. (Added by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 2741, effective 12-4-86.)

GARAGE, PRIVATE	An accessory building or an accessory portion of the main building, designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.
GARAGE, PUBLIC	A building other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are kept for remuneration, hire or sale.
GROUP HOUSES	Two or more separate buildings each containing one or more dwelling units.
GUEST HOME	See <u>REST HOMES</u> .
GUEST HOUSE	Living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, having no kitchen, and not rented or otherwise used as a separate dwelling.
GUEST RANCH	Buildings and premises offering recreational facilities for such pursuits as horseback riding, swimming, and hiking with living and dining accommodations. (Added by Ord. No. 731, effective 10-13-60.)
HELIPORT	An area either at ground level or elevated on a structure for the landing and taking off of helicopters. (Added by Ord. No. 1169, effective 10-26-67.)

HELIPORT, AGRICULTURAL	A heliport which is used solely for agricultural purposes. (Added by Ord. No. 1169, effective 10-26-67.)
HOME OCCUPATION, RURAL	An accessory use of a dwelling unit, accessory building or area adjacent to a dwelling unit in an agricultural zone, for gainful employment involving the manufacture, provision, or sale of goods and/or services which are not otherwise permitted either as a permitted use or a special use pursuant to the agricultural zoning regulations, in accordance with the regulations contained in subparagraphs a or c of paragraph 7 of subsection A of section 15 of this ordinance. For purposes of this ordinance, a rural home occupation does not include sale of agricultural products at a roadside stand. (Added by Ord. No. 2523, effective 3-31-83.)
HOME OCCUPATION, URBAN	An accessory use of a dwelling unit or accessory building in a residential zone, for gainful employment involving the manufacture, provision or sale of goods and/or services, in accordance with the regulations contained in subparagraphs a or b of paragraph 7 of subsection A of section 15 of this ordinance. (Added by Ord. No. 2523, effective 3-31-83.)
HOTEL	A building designed for or occupied as the more or less temporary abiding place of individuals who are lodged with or without meals, in which there are six (6) or more guest rooms, and in which no provision is made for cooking in any individual room or suite. Jails, hospitals, asylums, sanitariums or orphanages, prisons, detention homes or similar buildings where human beings are housed and detained under legal restraint are specifically not included.
JAIL	Same as <u>CORRECTIONAL INSTITUTION</u> . (Added by Ord. No. 2430, effective 8-28-81.)
KENNEL	A building, structure, or land area where five (5) or more dogs are kept for commercial breeding, boarding, training or other commercial purposes. Puppies which are the offspring of mature dogs kept on the property shall not be counted in determining the number of dogs on the property until they are ten (10) weeks old. (Added by Ord. No. 1520, effective 8-31-72.)
KITCHEN	Any room used or intended or designed to be used for cooking or the preparation of food.
LABORATORY	A building or part of a building devoted to the testing and analysis of any product or animal, including humans. No manufacturing is conducted on the premises except for experimental or testing purposes. (Added by Ord. No. 650, effective 3-27-58.)

LABORATORY, MEDICAL OR DENTAL	A laboratory which provides bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists. No fabricating is conducted on the premises except the custom fabrication of dentures. (Added by Ord. No. 650, effective 3-27-58.)
LABOR CAMP, PERMANENT	Any housing or living accommodations or camping facilities, other than a temporary labor camp, maintained in connection with any work or place where work is being performed, provided for the housing of ten (10) or more employees. (Added by Ord. No. 1073, effective 6-16-66.)
LABOR CAMP, TEMPORARY	Any housing or living accommodations or camping facilities maintained in connection with any work or place where work is being performed, provided for the housing of ten (10) or more employees if occupied or used for a period not to exceed one hundred and twenty (120) days in any one calendar year. (Added by Ord. No. 1073, effective 6-16-66.)
LOADING SPACE	An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
LODGING HOUSE	A building with not more than five (5) guest rooms where, for compensation, lodging is provided for five (5) but not more than ten (10) persons.
LOT	The word "lot" shall mean (1) a parcel of real property when shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the County Recorder of Tulare County; or (2) a parcel of land, the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the Subdivision Map Act of the State of California in the office of the County Recorder of Tulare County; or (3) a parcel of real property not delineated as in (1) or (2) above, and containing not less than the prescribed minimum square footage required in the zone in which it is located and which abuts at least one public street or has legal access of record to a street and held under separate ownership from adjacent property on the effective date of this ordinance. (Amended by Ord. No. 481, effective 10-30-51.)
LOT LINE, FRONT	In the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.
LOT LINE, REAR	A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular lot, a line within the lot, parallel to and at the maximum distance from the front lot line, having a length of ten (10) feet.

LOT LINE, SIDE	Any lot boundary line not a front lot line or a rear lot line.
LOT WIDTH	The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
LOT DEPTH	The horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.
LOT AREA	The total horizontal area within the lot lines of a lot.
LOT, CORNER	A lot situated at the intersection of two (2) or more streets, having an angle of intersection of not more than one hundred and thirty-five (135) degrees and a width not greater than seventy-five (75) feet.
LOT, REVERSED CORNER	A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which it rears.
LOT, INTERIOR	A lot other than a corner lot.
LOT, KEY	The first lot to the rear of a reversed corner lot and whether or not separated by an alley.
LOT, THROUGH	A lot having frontage on two (2) parallel or approximately parallel streets.
MINI-WAREHOUSES	Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store material for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business or service use, nor shall the storage spaces be used for workshops, hobby shops, manufacturing or similar uses. (Added by Ord. No. 2714, effective 7-17-86.)
MOBILEHOME	A mobilehome, for the purpose of this ordinance, means a structure transportable in one or more sections, designed and equipped to contain not more than one (1) dwelling unit, to be used with or without a foundation system. Mobilehome does not include a recreation vehicle, commercial coach or factory-built housing. (Added by Ord. No. 1149, effective 7-27-67; amended by Ord. No. 2453, effective 12-24-81.)
MOBILEHOME DEVELOPMENT	An area or tract of land which is proposed for, or contains a subdivision, exclusively for mobilehome use. A mobilehome development may exceed the maximum residential density of the zone in which it is located, subject to the requirements of subparagraph d of paragraph 5 of subsection

A of Section 15 of this Ordinance. For purposes of this ordinance, a mobilehome development does not include a mobilehome park. (Added by Ord. No. 2480, effective 7-1-82.)

MOBILEHOME PARK

An area or tract of land where two (2) or more mobilehomes or mobilehome sites are rented or leased or held out for rent or lease to accommodate mobilehomes used for human habitation. A mobilehome park may exceed the maximum residential density of the zone in which it is located, subject to the requirements of subparagraph d of paragraph 5 of subsection A of Section 15 of this Ordinance. (Added by Ord. No. 1149, effective 7-27-67; amended by Ord. No. 2453, effective 12-24-81; amended by Ord. No. 2480, effective 7-1-82.)

MOTEL

See TOURIST COURT.

MUSEUM

A nonprofit, noncommercial establishment operated as a repository or a collection of objects of nature, scientific or literary curiosities or objects of interest or works of art. (Added by Ord. No. 650, effective 3-27-58.)

**NONCONFORMING
BUILDING**

A building or portion thereof lawfully existing at the time this Ordinance became effective and which was designed, erected or structurally altered for a use which does not conform to the use zone in which it is located, or which does not comply with all the height and area regulations of the zone in which it is located.

**NONCONFORMING
USE**

A building or land lawfully occupied at the time this ordinance became effective by a use that does not conform with the regulations of the zone in which it is situated.

NURSERY, PLANT

A place where trees, shrubs, vines, flowers or grasses are propagated for transplanting or for use as stock for grafting. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 2754, effective 1-15-87.)

**OFF-SITE OUTDOOR
ADVERTISING
DISPLAY SIGN**

An outdoor advertising display sign which does not identify a use, facility or service located on the premises or a product which is produced, sold or manufactured on the premises. In particular, the following signs are not included in this definition: (Added by Ord. No. 2282, effective 10-25-79.)

- A. A sign pertaining to the sale, lease or rental of the real property or a structure thereon.
- B. A sign not larger than four (4) square feet in area which pertains to the producer or marketing association with which the owner or lessee of the property is affiliated.

- C. Temporary political campaign signs, including their supporting structures, which are removed within ten (10) days after the election to which they pertain.

**OUTDOOR
ADVERTISING
DISPLAY SIGN**

A rigidly assembled sign, display, or device permanently affixed to the ground or permanently attached to a building or other inherently permanent structure constituting, or used for the display of, a commercial or other advertisement to the public. (Added by Ord. No. 2282, effective 10-25-79.)

PARCEL

The word "parcel" shall mean a piece of real property other than a lot as defined herein, or any piece of land other than a lot which is occupied or used as a single unit. (Added by Ord. No. 481, effective 11-29-51.)

**PARKING AREA,
PUBLIC**

An open area other than a street, alley or place, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

**PARKING SPACE,
AUTOMOBILE**

Space within a building or public parking area for the temporary parking or storage of one (1) automobile.

PLACE

An open, unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.

**PUBLIC UTILITY
STRUCTURES**

Electrical distribution and transmission substations, gas regulator and metering stations, communication equipment buildings, and public service pumping stations except water well and pump sites approved in connection with the approval of a tentative subdivision map. (Added by Ord. No. 1169, effective 10-26-67.)

**RECREATION
VEHICLE**

A vehicle, with or without motive power, which is designed as a temporary dwelling for travel, recreational and vacation uses, with a living area less than two hundred (200) square feet excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, bath and toilet rooms. Recreation vehicle includes, but is not limited to, a motorhome, travel trailer, camper or camping trailer. (Added by Ord. No. 2453, effective 12-24-81.)

**RECREATION
VEHICLE PARK**

An area or tract of land where one (1) or more recreation vehicle sites are rented or leased or held out for rent or lease to accommodate recreation vehicles for human habitation. (Added by Ord. No. 2453, effective 12-24-81.)

RESORT

A hotel or a motel with dining room located on the same site, with recreation facilities for water sports, tennis, golf, riding, skiing, hunting, fishing or similar activities limited to use solely by tenants of the hotel or motel and their guests. (Added by Ord. No. 731, effective 10-13-60.)

REST HOMES	Same as boarding house, but permitting nursing, dietary and other personal services rendered to convalescents, invalids and aged persons, but excluding cases of contagious or communicable diseases, and excluding surgery or primary treatment such as are customarily provided in sanitariums and hospitals.
RESTAURANT	An eating establishment of a permanent character on a permanent foundation devoted to serving food to the general public. (Added by Ord. No. 731, effective 10-13-60.)
SANITARIUMS	A health station or retreat or other place where patients are kept and where medical or surgical treatment is given, but not mental.
SATELLITE TELEVISION ANTENNA	A satellite earth station consisting of (1) a receiving component of a disc or similar configuration whose purpose is to receive television signals from orbiting satellites or other extraterrestrial sources and (2) a low-noise amplifier whose purpose is to magnify television signals. (Added by Ord. No. 2538, effective 6-6-83.)
SECOND UNIT	A dwelling unit attached to or located within the living area of a one family dwelling, which provides complete independent living facilities for one (1) or more persons all in accordance with the provisions set forth in subparagraph c of paragraph 6 of subsection A of section 15 of this Ordinance. (Added by Ord. No. 2562, effective 9-22-83.)
SCHOOLS, PRIVATE	An institution conducting regular academic instruction at kindergarten, elementary, secondary or college levels, which is operated by a non-governmental organization. (Added by Ord. No. 1169, effective 10-26-67.)
SCHOOLS, PUBLIC	An institution conducting regular academic instruction as required by State law, at kindergarten, elementary, secondary or college levels, which is operated by a school district. (Added by Ord. No. 1169, effective 10-26-67.)
SOLID WASTE	All putrescible and nonputrescible solid, semi-solid and liquid wastes, including but not limited to discarded paper, cloth, metal, wood, glass and plastic materials. (Added by Ord. No. 2542, effective 7-7-83.)
SOLID WASTE RECYCLING OPERATION	Any building or area where the process of collecting, sorting, cleansing, treating and reconstituting of solid waste or other discarded materials for the purpose of using the altered form, is undertaken. (Added by Ord. No. 2542, effective 7-7-83.)
STABLE, PRIVATE	A detached accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale.
STABLE, PUBLIC	A stable other than a private stable.

STORY	That portion of a building including between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.
STREAM BED	That portion of the flood plain through which the natural flow of water is channelized during normal drainage periods. (Added by Ord. No. 1371, effective 4-16-70.)
STREET	A public or private thoroughfare which affords principal means of access to abutting property.
STREET, SIDE	That street bounding a corner lot and which extends in the same general direction as the line determining the depth of the lot.
STREET, LINE	The boundary line between street and abutting property.
STRUCTURE	Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height.
STRUCTURAL ALTERATIONS	Any change in the supporting members of a building such as bearing walls, columns, beams or girders and floor joists or roof joists, girders or rafters or changes in roof or exterior lines.
STRUCTURAL FLOOR	The floor sheathing, structural beams and/or floor joists of a building. (Added by Ord. No. 1371, effective 4-16-70.)
SUBDIVISION	<p>Any real property, improved or unimproved, or portion thereof, shown on the latest equalized County Assessment roll as a unit or as contiguous units, which is divided for the purpose of sale, lease or financing, whether immediate or future, by any subdivider into five (5) or more parcels; provided, however, that this definition shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or mobilehome park, nor shall this definition apply to mineral, oil or gas leases. Property shall be considered to be contiguous units even it it is separated by roads, streets, utility easements or railroad rights-of-way. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.</p> <p>The term "subdivision" does not include any parcel or parcels of land which is divided into four (4) or less parcels. The term "subdivision" does not include any parcel or parcels divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger. The term "subdivision" does not include any parcel or parcels divided into lots or</p>

parcels where each lot or parcel has a gross area of twenty (20) acres or more with an approved access to a maintained street or highway.

The term "subdivision" includes a condominium project, as defined in Section 1350 of the Civil Code of the State of California, containing five (5) or more condominiums, as defined in Section 783 of the Civil Code, and a community apartment project, as defined in Section 11004 of the Business or Professional Code of the State of California, containing five (5) or more parcels. The term "subdivision" does not apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California. The term "subdivision" does not apply to any of the land divisions described in Section 66412 of the Government Code of the State of California. (Added by Ord. No. 1807, effective 4-3-75; amended by Ord. No. 2750, effective 11-15-87.)

**SUPER SERVICE
STATION**

A filling station to supply motor fuel and oil to motor vehicles, and including grease racks, wash racks or pits, tire repairs including recapping, but with equipment limited to three molds, battery servicing and repairing, ignition service, accessory sales and other customary services for automobiles, but excluding painting, body works and steam cleaning.

SWAP MEET

A building or open area where the display, exchange, barter or sale of new or used common household items or office equipment and furnishings is conducted, provided that such activity is carried on in a swap lot. Typical uses include flea markets where clothing, personal effects, household furnishings and household appliances are sold or otherwise exchanged. (Added by Ord. No. 2719, effective 8-28-86.)

TOURIST COURT

A group of attached or detached buildings containing individual sleeping or living unit with garage attached or parking space conveniently located to each unit, all for the temporary use by automobile tourists or transients; includes auto courts, motels or motor lodges.

**TRAILER,
AUTOMOBILE**

(Repealed by Ord. No. 1149, effective 7-27-67.)

TRAILER PARK

(Added by Ord. No. 731, effective 10-13-60; repealed by Ord. No. 1149, effective 7-27-67.)

USE

The purpose for which land or building is arranged, designed or intended or for which either is or may be occupied or maintained.

VACATION VEHICLE

(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2453, effective 12-24-81.)

**VACATION VEHICLE
PARKS**

(Added by Ord. No. 1371, effective 4-16-70; repealed by Ord. No. 2453, effective 12-24-81.)

YARD	An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
YARD, FRONT	A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot lines and a line parallel thereto on the lot.
YARD, REAR	A yard extending across the full width of the lot between the main building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest part of the main building toward the rear lot line.
YARD, SIDE	A yard between the main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard; the width of the required side yard shall be measured horizontally from the nearest part of the side lot line toward the main building.

SECTION 2.5: GENERAL PROVISIONS

(Added by Ord. No. 1596, effective 6-18-73;
repealed by Ord. No. 2751, effective 2-1-87.)

**DETERMINATION
OF ACREAGE**

- A. (Amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; repealed by Ord. No. 2751, effective 2-1-87. NOTE: The provisions of former Section 2.5 have been relocated to Section 15, Subsection D, Paragraph 1.)

SECTION 3: ESTABLISHING ZONES AND LIMITING
THE USE OF LAND THEREIN

(Amended by Ord. No. 364, effective 5-13-48.)

CLASSES OF ZONES A.

In order to classify, regulate, restrict and segregate the use of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces around buildings, and to regulate the density of population, twenty-seven (27) classes of zones are hereby established to be known as follows:

- R-A - Rural Residential Zone
- R-O - Single-Family Estate Zone
- R-1 - One-Family Zone
- R-2 - Two-Family Zone
- R-3 - Multiple-Family Zone
- O - Recreation Zone
- P-O - Professional and Administrative Office Zone
- P-1 - Automobile Parking Zone
- AE - Exclusive Agricultural Zone
- AE-10 - Exclusive Agricultural Zone - 10 Acre Minimum
- AE-20 - Exclusive Agricultural Zone - 20 Acre Minimum
- AE-40 - Exclusive Agricultural Zone - 40 Acre Minimum
- AE-80 - Exclusive Agricultural Zone - 80 Acre Minimum
- A-1 - Agricultural Zone
- AF - Foothill Agricultural Zone
- TPZ - Timber Preserve Zone
- C-1 - Neighborhood Commercial Zone
- C-2 - General Commercial Zone
- C-3 - Service Commercial Zone
- M-1 - Light Manufacturing Zone
- M-2 - Heavy Manufacturing Zone
- AP - Airport Impact Zone
- M - Special Mobilehome Zone
- SC - Scenic Corridor Combining Zone
- F-1 - Primary Flood Plain Zone
- PD - Planned Development Zone
- F - Foothill Combining Zone

Said zones are shown and delineated on the Zoning Map of the County of Tulare, which is hereby adopted and made a part hereof. Said Zoning Map, for convenience and identification, is divided into parts corresponding to sections of Townships and Ranges. Changes in the boundaries of any such zones and the adoption of additional parts of the Zoning Map shall be done by ordinance in accordance with State Law. (Amended by Ord. No. 650, effective 3-27-58; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1149,

effective 7-26-67; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2282, effective 10-25-79; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. 2714, effective 7-17-86; amended by Ord. No. 2741, effective 12-4-86.)

ZONING MAP

- B. The parts of said zoning map hereby adopted and made a part hereof are as follows:

Part 1. Section 34, Township 22 South, Range 27 East, M.D.B. & M.

Part 2. Section 3, Township 23 South, Range 27 East, M.D.B. & M.

Part 3. Section 32, Township 22 South, Range 25 East, M.D.B. & M.

Part 4. Section 33, Township 22 South, Range 25 East, M.D.B. & M.

Part 5. Section 5, Township 23 South, Range 25 East, M.D.B. & M.

ZONING BOUNDARIES

- C. Where uncertainty exists as to the boundaries of any zone shown on said Zoning Map, the following rules shall apply:

1. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries;
2. In the case of unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on such Zoning Map;
3. Where a public street or alley is officially vacated or abandoned the regulations applicable to abutting property shall apply to such vacated or abandoned street or alley.
4. The boundaries of the F-1, Primary Flood Plain Zone, shall be determined from official maps of the Selected Flood. (Amended by Ord. No. 364, effective 4-13-48; amended by Ord. No. 2741, effective 12-4-86.)

**EFFECT OF ZONING
REGULATIONS**

D. The boundaries of such zones as are shown upon the Zoning Map adopted by this Ordinance are hereby adopted and approved and the regulations of this ordinance governing the use of land and buildings, the height of buildings, and sizes of yards about buildings and other matters as herein set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon the said Zoning Map. (Amended by Ord. No. 364, effective 4-13-48.)

Except as hereinafter provided:

1. No building shall be erected and no existing building shall be moved into, reconstructed, structurally altered, added to or enlarged, nor shall any land, building or premises be used, designed or intended to be used for any purpose other than a use listed in Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Ordinance, or amendments thereto as permitted in the Zone in which such land, building or premises is located.
2. No building shall be erected, nor shall any existing building be moved, reconstructed, added to, enlarged or structurally altered to exceed in height the limit established by Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Ordinance, or amendments thereto, for the zone in which such building is located.
3. No building shall be erected, nor shall any existing building be moved, structurally altered, added to, enlarged, reconstructed or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner except in conformity with the building-site requirements and the area and yard regulations established by Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of this Ordinance, or amendments thereto, for the zone in which such building is located.
4. No yard or other open space provided about any building for the purpose of complying with the regulations of this Ordinance, or amendments thereto, shall be considered as providing a yard or open space for any other building or structure.
5. While a nonconforming use exists on any lot no other use of more restricted classification shall be permitted, even though such other use would otherwise be a conforming use.

SECTION 4: "R-A" RURAL RESIDENTIAL ZONE

The following regulations shall apply in the "R-A" Rural Residential Zone unless otherwise provided in this Ordinance:

USE

- A. 1. One-family dwellings of a permanent character placed in permanent locations. Additional housing for employees, provided that the buildings therefor are not located within the required front, side or rear yard areas, and provided further that such housing for employees be permitted on sites of ten (10) acres or more. Private garages to accommodate not more than three (3) cars.
2. Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1152, effective 8-10-67.)
- 2.2 Raising and slaughter of rabbits and other fur bearing animals. To determine the total number of said animals that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of said animals that can be raised on the property. In addition, any offsprings of the animals allowed under this paragraph may be retained until they are weaned. (Added by Ord. No. 1152, effective 8-10-67.)
- 2.4 Raising and slaughter of poultry. To determine the total number of poultry that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of poultry that can be raised on the property. (Added by Ord. No. 1152, effective 8-10-67.)

2.6 Raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds, subject to the following restrictions: (Added by Ord. No. 1152, effective 8-10-67.)

- a. None of the aforementioned animals may be raised if there is less than twelve thousand five hundred (12,500) square feet in the entire property.
 - b. One (1) of the aforementioned animals may be raised if there is twelve thousand five hundred (12,500) square feet in the entire property and one (1) additional animal may be raised for each additional full twelve thousand five hundred (12,500) square feet in the entire property. Any offspring of the animals allowed under this subparagraph may be retained until they reach the normal age for weaning.
 - c. No feed lots may be maintained.
3. One (1) unlighted sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or hire of only the particular building, property or premises upon which displayed. No other advertising signs, structures or devices of any character shall be permitted in any "R-A" Rural Residential Zone except one sign not larger than three (3) feet by four (4) feet, identifying and advertising products produced on the premises as permitted by this Ordinance.
4. Storage of petroleum products for use on the premises.

BUILDING HEIGHT B. Two and one half (2-1/2) stories and not to exceed thirty-five (35) feet to uppermost part of roof, except as provided in Sections 15 and 16.

FRONT YARD C. There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty-five (25) feet except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

SIDE YARD

- D. On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided that such side yard shall be not less than three (3) feet and need not exceed five (5) feet in width. On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Ordinance becomes effective, to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

REAR YARD

- E. There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

**LOT AREA PER
FAMILY**

- F. Every main building hereafter erected or structurally altered shall have a lot area of not less than six thousand (6,000) square feet per family.

Provided, however, that where a lot has less area than herein required and was of record at the time this Ordinance became effective, said lot may be occupied by not more than one family.

**DISTANCES
BETWEEN
STRUCTURES**

- G. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry shall be forty (40) feet. (Added by Ord. No. 1152, effective 8-10-67.)

SECTION 5: "R-0" SINGLE FAMILY ESTATE ZONE

The following regulations shall apply in the "R-0" Single Family Estate Zone unless otherwise provided in this ordinance.

USE

- A. 1. One-family dwellings of a permanent character placed in permanent locations. Private garages to accommodate not more than four (4) cars.
2. Private greenhouses, horticultural collections, flower and vegetable gardens, fruit and nut trees. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1152, effective 8-10-67.)
- 2.2 Raising and slaughter of not more than forty-eight (48) poultry for use by the property owner. (Added by Ord. No. 1152, effective 8-10-67.)
- 2.4 Raising of sheep, goats, horses, mules, bovine animals, and other similar domesticated quadrupeds, subject to the following restrictions: (Added by Ord. No. 1152, effective 8-10-67.)
- a. None of the aforementioned animals may be raised if there is less than twelve thousand five hundred (12,500) square feet in the entire property.
- b. One (1) of the aforementioned animals may be raised if there is twelve thousand five hundred (12,500) square feet in the entire property and one (1) additional animal may be raised for each additional full twelve thousand five hundred (12,500) square feet in the entire property, up to a maximum of five (5) animals. Any offspring of the animals allowed under this subparagraph may be retained until they reach the normal age for weaning.
- c. No feed lots may be maintained.
- d. No swine are permitted.
3. One (1) unlighted sign not exceeding six (6) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed. No other advertising signs, structures or devices of any character shall be permitted in any "R-0" Single Family Estate Residential Zone.

4. Underground storage of not to exceed one thousand (1,000) gallons of petroleum products for use on the premises.

HEIGHT

- B. Two (2) stories and not to exceed thirty-five (35) feet to uppermost part of roof, except as provided in Sections 15 and 16.

FRONT YARD

- C. There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed thirty-five (35) feet except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

SIDE YARD

- D. On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided such side yard shall be not less than three (3) feet and need not exceed five (5) feet in width.

On corner lots the side yard regulations shall be the same as for interior lots except in the case of a reversed corner lot. In this case there shall be a side yard on the street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Ordinance becomes effective, to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

REAR YARD

- E. There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

LOT AREA PER FAMILY

- F. Every main building hereafter erected or structurally altered shall have a lot area of not less than twelve thousand five hundred (12,500) square feet per family. Provided, however, that where a lot has a less area than herein required and was of record at the time this Ordinance became effective, said lot may be occupied by not more than one family.

**DISTANCES
BETWEEN
STRUCTURES**

- G. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be forty (40) feet. (Added by Ord. No. 1152, effective 8-10-67.)

**SECTION 6: "R-1" SINGLE FAMILY
RESIDENTIAL ZONE**

The following regulations shall apply in the "R-1" One Family Zone unless otherwise provided in this Ordinance

USE

- A. 1. One-family dwellings of a permanent character placed in permanent locations. Private garages to accommodate not more than three cars.
2. Private greenhouses and horticultural collections, poultry for domestic, non-commercial use (not to exceed 24 birds), flower and vegetable gardens, fruit trees. (Amended by Ord. No. 703, effective 8-27-59.)
3. One (1) unlighted sign not exceeding six (6) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed. No other advertising signs, structures or devices of any character shall be permitted in any "R-1" One Family Zone.
4. Storage of petroleum products for use on the premises.

HEIGHT

- B. Two and one-half (2-1/2) stories and not to exceed thirty-five (35) feet to uppermost part of roof, except as provided in Sections 15 and 16.

FRONT YARD

- C. There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty-five (25) feet except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

SIDE YARD

- D. On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided that such side yard shall be not less than three (3) feet and need not exceed five (5) feet in width.

On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project

beyond the front yard line on the lots in the rear; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this Ordinance becomes effective, to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

REAR YARD

- E. There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet.

LOT AREA PER
FAMILY

- F. Every main building hereafter erected or structurally altered shall have a lot area of not less than six thousand (6,000) square feet per family.

Provided, however, that where a lot has less area than herein required and was of record at the time this Ordinance became effective, said lot may be occupied by not more than one family.

SECTION 7: "R-2" TWO FAMILY
RESIDENTIAL ZONE

The following regulations shall apply in the "R-2" Two Family Zone unless otherwise provided in this Ordinance.

USE

- A. 1. Any use permitted in the "R-1" Zone.
2. Two-family dwellings.
3. Uses customarily incident to any of the above uses. (Amended by Ord. No. 703, effective 8-27-59.)
4. Accessory buildings including garage space for not to exceed four (4) cars.
5. Required parking space (see Section 15).
6. Transitional uses shall be permitted as follows:
- a. A four-family dwelling where the side of a lot in the "R-2" Two Family Zone abuts upon a lot zoned for Multiple Family dwelling, commercial or industrial purposes.
- b. A public parking area where the side of a lot in the "R-2" Two Family Zone abuts upon a lot zoned for commercial or industrial purposes and is developed as required in Section 15.
- c. In no case shall the lot on which such transitional use is located have a width of more than sixty (60) feet.

HEIGHT

- B. No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet to uppermost part of roof.

FRONT YARD

- C. There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty (20) feet except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.

SIDE YARD

- D. Same as "R-1" Zone.

REAR YARD

- E. Same as "R-1" Zone.

LOT AREA PER
FAMILY

- F. Lot area per family for single family dwelling shall be the same as in "R-1" One Family Zone, and every two family dwelling hereafter erected or structurally altered shall have a lot area of not less than three thousand (3,000) square feet per family. Provided, however, that where a lot has less area than herein required and was of record at the time this Ordinance became effective, said lot may be occupied by not more than one family.

SECTION 8: "R-3" MULTIPLE FAMILY ZONE

The following regulations shall apply in the "R-3" Multiple Family Zone, unless otherwise provided in this Ordinance.

USE

- A. No building or land shall be used and no building shall be hereafter erected or structurally altered, except for the following uses:
1. Any use permitted in the "R-2" Two Family Zone.
 2. Multiple dwellings.
 3. Group houses.
 4. Boarding and lodging houses.
 5. Hotels, in which incidental business may be conducted for the convenience of the residents of the building, provided there is no entrance to such place of business except from the inside of the building, and no sign visible from the outside advertising such business.
 6. Public library. (Amended by Ord. No. 703, effective 8-27-59.)
 7. Accessory buildings and uses customarily incident to any of the above uses, when located on the same lot and not involving the conduct of a business, including servants' quarters when located not less than seventy (70) feet from the front lot line nor less than five (5) feet from any other street line, private or storage garage constructed as a part of the main building, or servants' quarters erected above private garages.
 8. Name plates not exceeding two (2) square feet in area containing the name and occupation of the occupants of the premises; identification signs not exceeding twenty (20) square feet in area for multiple dwellings, hotels, clubs, lodges, hospitals, institutions and similar permitted uses, and signs not exceeding twelve (12) square feet in area appertaining to the sale or rental of the property on which they are located; provided, however, that no name plate or advertising sign of any other character shall be permitted.
 9. Parking space (see Section 15).
 10. Loading space (see Section 15).

11. Transitional use subject to the following conditions:

- a. A public parking area where the side of a lot in the "R-3" Multiple Family Zone abuts upon a lot zoned for commercial or industrial purposes.
- b. In no case shall the lot on which such transitional use is located have a width of more than sixty (60) feet.

HEIGHT

- B. No building or structure hereafter erected or structurally altered shall exceed four (4) stories or fifty (50) feet to uppermost part of roof.

FRONT YARD

- C. There shall be a front yard of not less than twenty (20) percent of the depth of the lot, provided such front yard need not exceed fifteen (15) feet, except where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. However, in no case shall a front yard of more than forty (40) feet be required.

SIDE YARD

- D. On interior lots, for a building not exceeding two and one-half (2-1/2) stories in height, there shall be a side yard on each side of the building of not less than ten (10) percent of the width of the lot, provided that such side yard shall not be less than three (3) feet and need not exceed five (5) feet in width. For a building more than two and one-half (2-1/2) stories in height, each side yard shall be increased one (1) foot in width for each additional story above the second floor.

On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot, and no accessory building on said corner lot shall project beyond the front yard line on the lots in the rear; provided further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this ordinance became effective to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.

REAR YARD

- E. There shall be a rear yard of not less than twenty-five (25) percent of the depth of the lot, provided such rear yard need not exceed twenty (20) feet for interior lots nor fifteen (15) feet for corner lots.

LOT AREA PER
FAMILY

- F. Every main building hereafter erected or structurally altered shall have a lot area of not less than six hundred (600) square feet per family; provided, however, that these regulations shall not apply to hotels or apartment hotels where no cooking is done in any individual room, suite or apartment.

SECTION 8.05: "0" RECREATION ZONE
(Added by Ord. No. 731, effective 10-13-60.)

The following regulations shall apply in the "0" Recreation Zone:

USE

- A. No building or land shall be used and no building shall be hereafter erected or structurally altered, except for the following uses:
1. Any use permitted in the R-3, Multiple Family Zone.
 2. Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock. (Amended by Ord. No. 1152, effective 8-10-67.)
 - 2.2 Raising and slaughter of rabbits and other fur-bearing animals. To determine the total number of said animals that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of said animals that can be raised on the property. In addition, any offspring of the animals allowed under this paragraph may be retained until they are weaned. (Added by Ord. No. 1152, effective 8-10-67.)
 - 2.4 Raising and slaughter of poultry. To determine the total number of poultry that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of poultry that can be raised on the property. (Added by Ord. No. 1152, effective 8-10-67.)
 - 2.6 Raising of sheep, goats, horses, mules, bovine animals, and other similar domesticated quadrupeds subject to the following restrictions: (Added by Ord. No. 1152, effective 8-10-67.)
 - a. None of the aforementioned animals may be raised if there is less than twelve thousand

five hundred (12,500) square feet in the entire property.

b. One (1) of the aforementioned animals may be raised if there is twelve thousand five hundred (12,500) square feet in the entire property and one (1) additional animal may be raised for each additional full twelve thousand five hundred (12,500) square feet in the property. Any offspring of the animals allowed under this sub-paragraph may be retained until they reach the normal age of weaning.

c. No feed lots may be maintained.

d. No swine are permitted.

3. Apartment Hotel.

4. (Repealed by Ord. No. 1527, effective 10-12-72.)

5. Electric Distribution Substation.

6. (Repealed by Ord. No. 1528, effective 10-12-72.)

7. Grocery store.

8. Guest ranch.

9. Ice storage house of not more than 5-ton storage capacity.

9.5 Mobilehome for use by caretaker or nightwatchman of a commercial use when located on the same lot or parcel as the commercial use or lot contiguous to the lot on which the commercial use is located. (Added by Ord. No. 2299, effective 1-17-80.)

10. Motel.

11. Off-street parking and loading spaces (see Section 15).

12. Parking lot.

13. (Repealed by Ord. No. 1528, effective 10-12-72.)

14. Post Office.

14.2 Real Estate Offices (Added by Ord. No. 1660, effective 12-7-73).

15. Resort.

16. Restaurant (excluding dancing or entertainment).
17. Retail sales of sporting goods, boats, boat motors, boat trailers, trailer coaches and their repair, rental and storage.
18. Retail stores and offices incidental to and located on the site of a hotel, motel, resort, restaurant or guest ranch.
19. Service station, provided that all operations except the sale of gasoline or oil shall be conducted within a building enclosed on at least three (3) sides.
20. Telephone Exchange.
21. (Repealed by Ord. No. 1149, effective 7-27-67.)
22. Tourist Court.
23. Incidental and accessory structures and uses located on the same site with and necessary for the operation of a permitted use.
24. Identification signs or signs pertaining to a permitted use conducted on the site, with aggregate area of not more than one-half (1/2) square foot for each one (1) foot of frontage of the site, but not more than one hundred (100) square feet; provided, however, that if a site has less than forty (40) feet of frontage, the signs may have an aggregate area of not more than twenty (20) square feet. Only one side of each sign shall be considered in determining the aggregate areas of signs permitted in this zone. No sign shall project above the eave or parapet line of the nearest building on the premises and no sign shall be located in or project into a required front, side or rear yard. No sign shall be directly illuminated and any lights installed to indirectly illuminate a sign shall be shielded so as to deflect direct rays from public roadways and adjacent properties.
25. One (1) unlighted sign not exceeding six (6) square feet in area pertaining only to the sale, lease or hire of only the particular building, property or premises upon which displayed.

HEIGHT

- B. No building hereafter erected or structurally altered shall exceed thirty-five (35) feet to the uppermost part of the roof except as provided in Sections 15 and 16.

FRONT YARD

- C. Same as R-3, Multiple Family Zone.

- | | | |
|-----------------------------|----|--|
| SIDE YARD | D. | Same as R-3, Multiple Family Zone. |
| REAR YARD | E. | Same as R-3, Multiple Family Zone. |
| LOT AREA | F. | The minimum lot area shall be ten thousand (10,000) square feet. |
| COVERAGE | G. | The maximum site area covered by structures shall be twenty (20) percent of the total area of the site. |
| DISTANCE BETWEEN STRUCTURES | H. | The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry shall be forty (40) feet. (Added by Ord. No. 1152, effective 8-10-67.) |

SECTION 8.1: "P-0", PROFESSIONAL AND
ADMINISTRATIVE OFFICE ZONE
(Added by Ord. No. 650, effective 3-27-58.)

The following regulations shall apply in the "P-0", Professional and Administrative Office Zone:

USE

- A. No building or land shall be used and no building shall be hereafter erected or structurally altered, except for the following uses:
1. Any use permitted in the R-3, Multiple Family Zone.
 2. Apothecary (limited to the sale of pharmaceuticals, medical and hygienic supplies and packaged confections).
 3. Clinic, dental or medical.
 4. (Repealed by Ord. No. 1528, effective 10-12-72.)
 5. Laboratory, dental or medical.
 6. Museum.
 7. Mortuary.
 8. Business and Professional office. (Amended by Ord. No. 1487, effective 2-17-72.)
 9. Optician.
 10. Optometrist.
 11. Parking Lot: no servicing, repair, dismantling or commercial freight handling will be permitted.
 12. (Repealed by Ord. No. 1528, effective 10-12-72.)
 13. Post Office.
 14. Telephone exchange.
 15. Incidental and accessory structures and uses located on the same site with and necessary for the operation of a permitted use.
 16. Identification sign or signs pertaining to a permitted use conducted on the site, not directly illuminated, with an aggregate area of not more than one-half (1/2) square foot for each one (1) foot of frontage of the site, but not more than one hundred (100) square feet; provided, however, that if a site has less than forty (40) feet of

frontage, the signs may have an aggregate area of not more than twenty (20) square feet. Only one side of each sign shall be considered in determining the aggregate area of signs permitted in this zone; provided, however, that if both sides of any sign are used for identification of the premises or pertain to a permitted use conducted on the site, both sides of such sign shall be considered in determining the aggregate area of the sign. No sign shall project above the eave or parapet line of the nearest building on the premises and no sign shall be located in or project into a required front, side or rear yard.

17. Off-street parking and loading space (see Section 15).

HEIGHT	B. Same as "R-3", Multiple Family Zone.
FRONT YARD	C. Same as "R-3", Multiple Family Zone.
SIDE YARD	D. Same as "R-3", Multiple Family Zone.
REAR YARD	E. Same as "R-3", Multiple Family Zone.
LOT AREA	F. The minimum lot area shall be ten thousand (10,000) square feet for all permitted non-residential uses. For residential uses the minimum lot area shall be the same as permitted in the R-3, Multiple Family Zone, or six thousand (6,000) square feet, whichever is larger.
COVERAGE	G. The maximum lot area covered by structures shall be fifty (50) percent of the total area of the lot.

SECTION 9: "P-1" AUTOMOBILE PARKING ZONE

The following regulations shall apply in the "P-1" Automobile Parking Zone unless otherwise provided in this Ordinance:

USE

A. No building or land shall be used and no building shall hereafter be erected or structurally altered, except for the following uses:

1. Any use permitted in "R-3" Multiple Family Zone and when so used subject to all of the provisions contained in the Section defining Zone.
2. Open air, temporary parking of transient automobiles, provided that the area so classified and used shall conform to the provisions of Section 15, Paragraph (A) USE, titled "Nonconforming Buildings and Uses", sub-paragraph "e", and provided that areas classified as "P-1" shall not be used for "used car sales areas."

HEIGHT

B. Same as in "R-3" Multiple Family Zone.

FRONT YARD

C. Same as in "R-3" Multiple Family Zone.

SIDE YARD

D. Same as in "R-3" Multiple Family Zone.

REAR YARD

E. Same as in "R-3" Multiple Family Zone.

LOT AREA PER FAMILY

F. Same as in "R-3" Multiple Family Zone.

SECTION 9.5: "AE" EXCLUSIVE AGRICULTURAL ZONE
(Added by Ord. No. 1169, effective 10-26-67.)

PURPOSE

- A. This zone is intended primarily for application to rural areas of the County which are generally characterized by extensive or intensive agricultural uses of land.

USE

- B. No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:
1. The growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber.
 2. Apiary and honey extraction plant. (Amended by Ord. No. 2416, effective 5-28-81.)
 3. The operation of a dairy so long as no more than twenty-five (25) cows are on the property at any time. A dairy with more than twenty-five (25) cows requires a Special use Permit under Section 16 of this Ordinance. (Amended by Ord. No. 1526, effective 10-5-72.)
 4. The raising and slaughter of poultry, rabbits and other furbearing animals, except when a Use Permit is required under subsection D of this section.
 5. The raising and slaughter of sheep, goats, horses, mules, swine, bovine animals, and other similar domesticated quadrupeds, except when a Use Permit is required under subsection D of this Section.
 6. Feed lot for twenty-five (25) animals or less.
 7. (Repealed by Ord. No. 2720, effective 8-5-86.)
 8. (Repealed by Ord. No. 2720, effective 8-5-86.)
 9. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, guest houses, storehouses, garden structures, greenhouses, recreation rooms, and the storage and use of petroleum products.
 10. Mobilehomes and residences for the owners and lessees of the property and for housing farm employees who work on the property.

11. One (1) single-family residence or mobilehome for persons other than those mentioned in paragraph 10 above for each two and one-half (2-1/2) acres in the entire property. If a lot has less than two and one-half (2-1/2) acres and was of record at the time this zone becomes applicable to the property, one (1) single-family residence or mobilehome for persons other than those mentioned in paragraph 10 above may be constructed. (Amended by Ord. No. 1586, effective 5-31-73; amended by Ord. No. 1596, effective 6-28-73.)
12. Plant nurseries not including retail sales. (Amended by Ord. No. 2754, effective 1-15-87.)
13. (Amended by Ord. No. 1311, effective 6-19-69; repealed by Ord. No. 1528, effective 10-12-72.)
14. Sale of agricultural products, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)
15. Signs which pertain only to a permitted use of the property on which the sign is situated or which pertain to the sale, lease, or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed. (Amended by Ord. No. 2520, effective 2-24-83.)
16. Temporary landing of helicopters engaged in agricultural uses.
17. (Amended by Ord. No. 2520, effective 2-24-83, repealed by Ord. No. 2720, effective 8-5-86.)

**PROHIBITION OF
SUBDIVISION**

C. (Repealed by Ord. No. 1586, effective 5-31-73.)

USE PERMITS

D. Because of considerations of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a use permit is first secured pursuant to the procedures referred to in paragraph B of part II of Section 16 of this Ordinance. (Amended by Ord. No. 2520, effective 2-24-83.)

1. Hunting and fishing clubs and hunting and fishing on a commercial basis for members of the general public. (Amended by Ord. No. 2520, effective 2-24-83.)
2. Manufacture of irrigation pipe and accessory equipment and agricultural machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 1526, effective 10-5-72; readopted by Ord. No. 2520, effective 2-24-83.)
3. Raising or slaughter of poultry when more than three (3) birds for each 1300 square feet in the entire property, or more than a total of 100 birds in all, are on the property at any time. (Amended by Ord. No. 2520, effective 2-24-83.)
4. Raising or slaughter of rabbits or other furbearing animals when a total of more than 60 mature animals are on the property at any time. (Amended by Ord. No. 2520, effective 2-24-83.)
5. Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals or other similar domesticated quadrupeds when more than two (2) mature animals for each acre in the entire property are on the property at any time, excluding feed lots or areas for concentrated feeding of more than 25 animals. (Amended by Ord. No. 2520, effective 2-24-83.)
6. Residences or mobilehomes in excess of those allowed under paragraph 11 of subsection B of this section for use by the person specified in said paragraph 11 of subsection B. (Amended by Ord. No. 2520, effective 2-24-83.)

7. Sale of agricultural products and feed for live-stock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection B of this section. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86.)
8. Seed cleaning and treating plant. (Amended by Ord. No. 2520, effective 2-24-83.)
9. Sewage treatment plant and disposal area. (Amended by Ord. No. 2520, effective 2-24-83.)
10. Similar uses when determined in the manner described in section 15, paragraph A, USE, subparagraph 1, item b. (Amended by Ord. No. 2520, effective 2-24-83.)
11. Divisions of land as follows: (Added as paragraph 18 by Ord. No. 2388, effective 12-12-80; renumbered from paragraph 18 to paragraph 11 by Ord. No. 2520, effective 2-24-83.)
 - a) Divisions of land resulting in parcels containing less than five (5) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b) Divisions of land resulting in parcels containing less than five (5) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
12. Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products. (Original paragraph repealed by Ord. No. 2420, effective 2-24-83; New paragraph added by Ord. No. 2720, effective 8-5-86.)
13. Agricultural service establishments primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance. (Original paragraph repealed by Ord. No. 2420, effective 2-24-83; New paragraph added by Ord. No. 2720, effective 8-5-86.)

14. Agricultural chemical experiment stations. (Original paragraph repealed by Ord. No. 2420, effective 2-24-83; New paragraph added by Ord. No. 2720, effective 8-5-86.)
15. (Repealed by Ord. No. 2420, effective 2-24-83.)
16. (Repealed by Ord. No. 2420, effective 2-24-83.)
17. (Repealed by Ord. No. 2420, effective 2-24-83.)
18. (Repealed by Ord. No. 2420, effective 2-24-83.)

**SITE AREA PER
DWELLING AREA**

- E. (Repealed by Ord. No. 1586, effective 5-31-73.)

COVERAGE

- F. No limitation.

**FENCES, WALLS
AND HEDGES**

- G. Fences, walls, and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area of a corner lot described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the lot and seventy (70) feet on a major street side of a lot.

**YARD REQUIRE-
MENTS**

- H.
1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
 2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
 3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
 4. Required yard areas may be used for the growing of agricultural crops.

**HEIGHT OF
STRUCTURES**

- I. Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or takeoff zone, or other restricted areas of an airport, established pursuant to Sections 7275-7292 of the Ordinance Code of Tulare County.

- DISTANCES BETWEEN STRUCTURES** J. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be forty (40) feet.
- PROHIBITION OF SUBDIVISION** K. (Added by Ord. No. 1586, effective 5-31-73; amended by Ord. No. 1807, effective 4-3-75; repealed by Ord. No. 2750, effective 1-15-87.)
- DIVISIONS OF LAND** L. All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after the effective date of this subsection, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than five (5) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than five (5) acres at the time AE zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7000-7126 of the Ordinance Code of Tulare County. (Subsection L added by Ord. No. 1586, effective 5-31-73; amended by Ord. No. 1596, effective 6-28-73; amended by Ord. No. 1638, effective 9-27-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

**SECTION 9.55: "AE-10" EXCLUSIVE
AGRICULTURAL ZONE - 10 ACRE MINIMUM**
(Added by Ord. No. 1946, effective 8-12-76.)

PURPOSE

- A. The AE-10 Zone is an exclusive zone for intensive agricultural uses and for those uses which are a necessary and integral part of intensive agricultural operations. The purpose of this zone is as follows:
1. To protect the general welfare of the agricultural community from encroachments of unrelated uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community and the community at large.
 2. To prevent or minimize the negative interaction between various agricultural uses.
 3. To prevent or minimize land use conflicts or injury to the physical or economic well-being of urban, suburban, or other non-agricultural uses by agricultural uses.
 4. To disburse intensive animal agricultural uses in order to avoid air, water, or land pollution otherwise resulting from compact distributions of such uses.
 5. To provide for a minimum parcel standard which is appropriate for areas where soil capability and cropping characteristics are such that a breakdown of land into units of less than ten (10) acres would adversely affect the physical and economic well-being of the agricultural community and the community at large.
 6. To function as a holding zone within Urban Area Boundaries as designated by the General Plan whereby land may be retained in agricultural uses until such time as conditions warrant conversion of such land to urban uses.

The minimum parcel size permitted to be created in this zone is, with certain exceptions, ten (10) acres.

USE

- B. No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:
1. One (1) single family residence or mobilehome for the entire contiguous property owned by one (1) person, firm, partnership or corporation or owned jointly by more than one (1) person, firm, partnership or corporation or any combination

thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.

2. In addition to the residence allowed under paragraph 1 above, one (1) additional residence or mobilehome for each ten (10) acres in the entire property. Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee or by employees who work on the property. However, if the property is less than ten (10) acres in area and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives and employees may be allowed under the Use Permit procedures set forth in subsection E of this section.
3. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, and storage and use of petroleum products.
4. The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber, excluding the growing of mushrooms.
5. The growing and harvesting of field crops, grain and hay crops, and the growing of grass for pasture and grazing.
6. The raising and slaughter of poultry up to a maximum of three (3) birds for each 1,300 square feet in the entire property, and not to exceed a total of one hundred (100) birds in all, unless a Use Permit has been secured as required under subsection E of this section.
7. The raising and slaughter of rabbits and other similar furbearing animals. The maximum number of mature animals allowed on any parcel shall not exceed sixty (60) unless a Use Permit has been secured as required under subsection E of this section. Any offspring of the animals allowed under this paragraph may remain on the property until they reach the normal age for weaning.

8. The raising of sheep, goats, horses, mules, swine, bovine animals, and other similar domesticated quadrupeds. The total number of such animals shall not exceed two (2) mature animals for each acre in the entire property, unless a Use Permit has been secured as required under subsection E of this section or under paragraph B of part II of section 16 of this Ordinance. Any offspring of the animals allowed under this paragraph may remain until they reach the normal age for weaning. However, no feed lot or area for concentrated feeding of more than 25 animals may be permitted.
9. Fish farming operations for the raising and harvesting of fish as a crop, but not including fishing clubs or fishing for the general public on a commercial basis unless a Use Permit has been secured as required under subsection E of this section.
10. Game preserve, private or public, but not including hunting clubs or hunting for members of the public on a commercial basis unless a Use Permit has been secured as required under subsection E of this section.
11. (Repealed by Ord. No. 2720, effective 8-5-86.)
12. (Repealed by Ord. No. 2720, effective 8-5-86.)
13. Plant nursery, not including retail sales. (Amended by Ord. No. 2754, effective 1-15-87.)
14. Sale of agricultural products, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 1520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)
15. Signs which pertain only to a permitted use on the property on which the sign is situated or which pertains to the sale, lease or rental of the property or a structure of personal property located on the property. In addition, signs which are no larger than four (4) square feet in

area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.

16. Temporary landing of aircraft engaged in agricultural uses.
17. (Repealed by Ord. No. 2720, effective 8-5-86.)
18. Open space uses including, but not limited to a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
19. Biomass fuel manufacture for personal use. (Added by Ord. No. 2350, effective 7-31-80.)
20. Apiary and honey extraction plant. (Added by Ord. No. 2416, effective 5-28-81.)

PROHIBITION OF SUBDIVISIONS

- C. (Repealed by Ord. No. 2750, effective 1-15-87.)

DIVISIONS OF LAND

- D. All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-10 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than ten (10) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than ten (10) acres at the time AE-10 zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7000-7126 of the Ordinance Code of Tulare County. (Amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS

- E. Because of considerations of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a use permit is first secured pursuant to the

procedures referred to in paragraph B of Part II of Section 16 of this Ordinance.

1. Agricultural chemicals; storage, handling, and manufacturing.
2. (Repealed by Ord. No. 2416, effective 5-28-81.)
3. Hunting and fishing clubs and hunting and fishing on a commercial basis for members of the general public.
4. Manufacture of irrigation pipe and accessory equipment and agriculture machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 2335, effective 6-5-80; readopted by Ord. No. 2520, effective 2-24-83.)
5. Raising or slaughter of poultry when more than three (3) birds for each 1,300 square feet in the entire property, or more than a total of 100 birds in all, are on the property at any time.
6. Raising or slaughter of rabbits or other furbearing animals when a total or more than 60 mature animals are on the property at any time.
7. Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds when more than two (2) mature animals for each acre in the entire property are on the property at any time, excluding feed lots or areas for concentrated feeding of more than 25 animals.
8. Residences or mobilehomes in excess of those allowed under paragraph 2 of subsection B of this section, for use by the persons specified in said paragraph 2 of subsection B.
9. Sale of agricultural products and feed for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection B of this section. (Amended by Ord. No. 2520, effective 2-24-83; amended by Ord. No. 2692, effective 2-27-86.)
10. Seed cleaning and treating plant.
11. Sewage treatment plant and disposal area.

12. Similar uses when determined in the manner prescribed in Section 15, paragraph A, USE, subparagraph 1, item b.
13. Divisions of land as follows: (Added by Ord. No. 2388, effective 12-12-80.)
 - a. Divisions of land resulting in parcels containing less than ten (10) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than ten (10) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
14. Establishment for the curing, processing, packaging, packing, storage and shipping of agricultural products. (Added by Ord. No. 2720, effective 8-5-86.)
15. Agricultural service establishments primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance. (Added by Ord. No. 2720, effective 8-5-86.)
16. Agricultural chemical experiment stations. (Added by Ord. No. 2720, effective 8-5-86.)

**FENCES, WALLS
AND HEDGES**

- F. Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersecting corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

**YARD REQUIRE-
MENTS**

- G. 1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.

3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
4. Required yard areas may be used for growing of agricultural crops.

**HEIGHT OF
STRUCTURES**

- H. Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or take-off zone, or other restricted areas of an airport, established pursuant to sections 7275-7292 of the Ordinance Code of Tulare County.

**DISTANCES
BETWEEN
STRUCTURES**

- I. The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be one hundred (100) feet. When structures are in existence at the time that AE-10 zoning is applied to the property which do not comply with the minimum distances set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

**SECTION 9.6: "AE-20" EXCLUSIVE AGRICULTURAL
ZONE - 20 ACRE MINIMUM**
(Added by Ord. No. 1520, effective 8-31-72.)

PURPOSE

- A. The AE-20 Zone is an exclusive zone for intensive agricultural uses and for those uses which are a necessary and integral part of the agricultural operation. The purpose of this zone is to protect the general welfare of the agricultural community from encroachments of unrelated agricultural uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community. It is also the purpose of this zone to prevent or to minimize the negative interaction between various agricultural uses. A related purpose of this zone is to disperse intensive animal agricultural uses to avoid air, water, or land pollution otherwise resulting from compact distributions of such uses. The minimum parcel size permitted to be created in this zone is, with certain exceptions, twenty (20) acres.

USE

- B. No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:
1. One (1) single family residence or mobilehome for the entire contiguous property owned by one (1) person firm, partnership or corporation or owned jointly by more than one (1) person, firm, partnership, or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.
 2. In addition to the residence allowed under paragraph 1 above, one (1) additional residence or mobilehome for each twenty (20) acres in the entire property. Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee or by employees who work on the property. However, if the property is less than twenty (20) acres and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives and employees may be allowed under the Use Permit procedures set forth in subsection E of this section. (Amended by Ord. No. 1596, effective 6-28-73.)

3. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, and storage and use of petroleum products.
4. The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber, but excluding the growing of mushrooms which requires a Use Permit under subsection E of this Section.
5. The growing and harvesting of field crops, grain and hay crops, and the growing of grass for pasture and grazing.
6. The raising and slaughter of poultry up to a maximum of three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, and not to exceed a total of one hundred (100) birds in all, unless a Use Permit has been secured as required under subsection E of this Section.
7. The raising and slaughter of rabbits and other similar furbearing animals. The maximum number of mature animals allowed on any parcel shall not exceed sixty (60) unless a Use Permit has been secured as required under subsection E of this Section. Any offspring of the animals allowed under this paragraph may remain on the property until they reach the normal age for weaning.
8. The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds. The total number of such animals shall not exceed two (2) mature animals for each acre in the entire property, and not exceed a total of twenty-five (25) animals in all, unless a Use Permit has been secured as required under subsection E of this Section or under paragraph B of Part II of Section 16 of this Ordinance. Any offspring of the animals allowed under this paragraph may remain until they reach the normal age for weaning.
9. Fish farming operations for the raising and harvesting of fish as a crop, but not including fishing clubs or fishing for the general public on a commercial basis.
10. Game preserve, private or public, but not including hunting clubs or hunting for members of the public on a commercial basis.

11. (Repealed by Ord. No. 2720, effective 8-5-86.)
12. (Repealed by Ord. No. 2720, effective 8-5-86.)
13. Plant nursery, not including retail sales. (Amended by Ord. No. 2754, effective 1-15-87.)
14. Sale of agricultural products, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effected 1-15-87.)
15. Signs which pertain only to a permitted use on the property on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure of personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
16. Temporary landing of aircraft engaged in agricultural uses.
17. (Amended by Ord. No. 2520, effective 2-24-83; Repealed by Ord. No. 2720, effective 8-5-86.)
18. Open space uses including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
19. Biomass fuel manufacture for personal use. (Added by Ord. No. 2350, effective 7-31-80.)
20. Apiary and honey extraction plant. (Added by Ord. No. 2416, effective 5-28-81.)
21. Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81.)

PROHIBITION OF SUBDIVISIONS C. (Amended by Ord. No. 1807, effective 4-3-75; repealed by Ord. No. 2750, effective 1-15-87.)

DIVISIONS OF LAND D. All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-20 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than twenty (20) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than twenty (20) acres at the time AE-20 zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7000-7126 of the Ordinance Code of Tulare County. (Amended by Ord. No. 1596, effective 6-28-73; amended by Ord. No. 1638, effective 9-27-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS E. Because of considerations of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this Ordinance.

1. Agricultural chemicals; storage, handling and manufacturing.
2. Agricultural dehydrator with more than a combined total of one hundred (100) horsepower in all motors used.
3. (Repealed by Ord. No. 2416, effective 5-28-81.)
4. Cotton gin and oil mill.
5. Feed lot for more than twenty-five (25) animals.
6. Feed mill with more than a combined total of one hundred and seventy-five (175) horsepower in all motors used.

7. Fertilizer manufacturing.
8. Hunting and fishing clubs and hunting and fishing on a commercial basis for members of the general public.
9. Manufacture of irrigation pipe and accessory equipment and agriculture machinery, equipment, implements and containers including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 2335, effective 6-5-80; added by Ord. No. 2520, effective 2-24-83.)
10. Mushroom growing.
11. (Repealed by Ord. No. 1528, effective 10-12-72.)
12. Raising or slaughter of poultry when more than three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, or more than a total of one hundred (100) birds in all, are on the property at any time.
13. Raising or slaughter of rabbits or other furbearing animals when a total of more than sixty (60) mature animals are on the property at any time.
14. Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds when more than two (2) mature animals for each acre in the entire property, or more than a total of twenty-five (25) animals in all, are on the property at any time.
15. Residences or mobilehomes in excess of those allowed under paragraph 2 of subsection B of this Section, for use by the persons specified in said paragraph 2 of subsection B.
- 15.2 Sale of agricultural products and feed for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection B of this section. (Added by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86.)
- 15.4 Sawmill, shingle mill, or box shook mill. (Added by Ord. No. 2520, effective 2-24-83.)
16. Seed cleaning and treating plant.

17. Sewage treatment plant and disposal area.
18. Slaughterhouse.
19. Winery.
- 19.5 Similar uses when determined in the manner prescribed in section 15, paragraph A, USE, subparagraph 1, item b. (Added by Ord. No. 2520, effective 2-24-83.)
20. Divisions of land as follows: (Added by Ord. No. 2388, effective 12-12-80.)
 - a. Divisions of land resulting in parcels containing less than twenty (20) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than twenty (20) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
21. Establishment for the curing, processing, packaging, packing, storage and shipping of agricultural products. (Added by Ord. No. 2720, effective 8-5-86.)
22. Agricultural service establishments primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance. (Added by Ord. No. 2720, effective 8-5-86.)
23. Agricultural chemical experiment stations. (Added by Ord. No. 2720, effective 8-5-86.)

**FENCES, WALLS
AND HEDGES**

- F. Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

YARD REQUIREMENTS G.

1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by other ordinances of the County.
4. Required yard areas may be used for growing of agricultural crops.

HEIGHTS OF STRUCTURES

- H. Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or takeoff zones, or other restricted areas of an airport, established pursuant to Sections 7275-7292 of the Ordinance Code of Tulare County.

DISTANCE BETWEEN STRUCTURES

- I. The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be one hundred (100) feet. When structures are in existence at the time that AE-20 Zoning is applied to the property which do not comply with the minimum distances set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

SECTION 9.7: "AE-40" EXCLUSIVE AGRICULTURAL ZONE
40 ACRE MINIMUM

(Added by Ord. No. 1946, effective 8-12-76.)

PURPOSE

- A. The AE-40 Zone is an exclusive zone for intensive and extensive agricultural uses and for those uses which are a necessary and integral part of intensive and extensive agricultural operations. The purpose of this zone is as follows:
1. To protect the general welfare of the agricultural community from encroachments of unrelated uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community and the community at large.
 2. To prevent or minimize the negative interaction between various agricultural uses.
 3. To prevent or minimize land use conflicts or injury to the physical or economic well-being of urban, suburban, or other non-agricultural uses by agricultural uses.
 4. To disburse intensive animal agricultural uses in order to avoid air, water or land pollution otherwise resulting from compact distributions of such uses.
 5. To provide for a minimum parcel standard which is appropriate for areas where soil capability and cropping characteristics are such that a breakdown of land into units of less than forty (40) acres would adversely affect the physical and economic well-being of the agricultural community and the community at large.
 6. To function as a holding zone within Urban Area Boundaries as designated by the General Plan whereby land may be retained in agricultural use until such time as conditions warrant conversion of such land to urban use.

The minimum parcel size permitted to be created in this zone is, with certain exceptions, forty (40) acres.

USE

- B. No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:
1. One (1) single family residence or mobilehome for the entire contiguous property owned by one (1) person, firm, partnership or corporation or owned

jointly by more than one (1) person, firm, partnership or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.

2. In addition to the residence allowed under paragraph 1 above, one (1) additional residence or mobilehome for each twenty (20) acres in the entire property. Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee or by employees who work on the property. However, if the property is less than twenty (20) acres in area and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives and employees may be allowed under the use permit procedures set forth in subsection E of this section.
3. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and storage and use of petroleum products.
4. The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber, but excluding the growing of mushrooms which requires a use permit under subsection E of this section.
5. The growing and harvesting of field crops, grain and hay crops and the growing of grass for pasture and grazing.
6. The raising and slaughter of poultry up to a maximum of three (3) birds for each 1,300 square feet in the entire property. and not to exceed a total of 500 birds in all, unless a use permit has been secured as required under Subsection E of this section.
7. The raising and slaughter of rabbits and other similar furbearing animals. The maximum number of mature animals allowed on any parcel shall not exceed 120 unless a use permit has been secured as required under subsection E of this section.

Any offspring of the animals may remain on the property until they reach the normal age for weaning.

8. The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds. The total number of such animals on the property shall not exceed two (2) mature animals for each acre in the entire property, unless a use permit has been secured as required under subsection E of this section or under paragraph B of part II of Section 16 of this Ordinance. Any offspring of the animals allowed may remain until they reach the normal age for weaning. However, no feed lot or area for concentrated feeding of more than 25 animals may be permitted unless a use permit has been secured as required under subsection E of this section or under paragraph B of Part II of Section 16 of this Ordinance.
9. Fish farming operations for the raising and harvesting of fish as a crop but not including fishing clubs or fishing for members of the general public on a commercial basis, unless a use permit has been secured as required under Subsection E of this section.
10. Game preserve, private or public, but not including hunting clubs or hunting for members of the general public on a commercial basis, unless a use permit has been secured as required under subsection E of this section.
11. (Repealed by Ord. No. 2720, effective 8-5-86.)
12. (Repealed by Ord. No. 2720, effective 8-5-86.)
13. Plant nursery, not including retail sales. (Amended by Ord. No. 2754, effective 1-15-87.)
14. Sale of agricultural products, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)

15. Signs which pertain only to a permitted use on the property on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
16. Temporary landing of aircraft engaged in agricultural uses.
17. (Repealed by Ord. No. 2720, effective 8-5-86.)
18. Open space uses including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
19. Biomass fuel manufacture for personal use. (Added by Ord. No. 2350, effective 7-31-80.)
20. Apiary and honey extraction plant. (Added by Ord. No. 2416, effective 5-28-81.)
21. Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81.)

**PROHIBITION OF
SUBDIVISIONS**

- C. (Repealed by Ord. No. 2750, effective 1-15-87.)

DIVISIONS OF LAND D.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-40 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than forty (40) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than forty (40) acres at the time AE-40 zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7000-7126 of the Ordinance Code of

Tulare County. Amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS

- E. Because of consideration of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this Ordinance:
1. Agricultural chemicals; storage, handling and manufacturing.
 2. Agricultural dehydrator with more than a combined total of one-hundred (100) horsepower in all motors used.
 3. (Repealed by Ord. No. 2416, effective 5-28-81.)
 4. Asphalt manufacturing and refining.
 5. Brick, tile and terra cotta manufacturing.
 6. Concrete products manufacturing.
 7. Cotton gin and oil mill.
 8. Feed lot for more than twenty-five (25) animals.
 9. Feed mill with more than a combined total of one hundred seventy-five (175) horsepower in all motors used.
 10. Fertilizer manufacturing.
 11. Fish smoking, curing and canning.
 12. Guest ranch or summer camp.
 13. Hunting and fishing clubs and hunting and fishing on a commercial basis for members of the public.
 14. Manufacture of irrigation pipe and accessory equipment and agricultural machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least

50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 2335, effective 6-5-80; readopted by Ord. No. 2520, effective 2-24-83.)

15. Mushroom growing.
16. Olive processing plants.
17. Petroleum products; manufacturing and wholesale storage.
18. Potash works; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of section 7700 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
19. Quarry and stone mill; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of section 7700 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
20. Raising or slaughter of poultry when more than three (3) birds for each 1,300 square feet in the entire property, or more than a total of 500 birds in all, are on the property at any time.
21. Raising or slaughter of rabbits or other furbearing animals when a total of more than 120 mature animals are on the property at any time.
22. Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds when more than two (2) mature animals for each acre in the entire property are on the property at any time.
23. Residences or mobilehomes in excess of those allowed under paragraph 2 of subsection B of this section, for use by the persons specified in said paragraph 2 of subsection B.
24. Rock crusher and distribution of rock, sand and gravel.
25. Saw mill, shingle mill or box shook mill.
26. Sale of agricultural products and feed for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection B of this section.

(Amended by Ord. No. 2520, effective 2-24-83;
amended by Ord. No. 2692, effective 2-27-86.)

27. Seed cleaning and treating plants.
28. Sewage treatment plant and disposal area.
29. Slaughterhouse.
30. Stockyard.
31. Winery.
32. Similar uses when determined in the manner prescribed in Section 15, paragraph A, USE subparagraph 1, item b.
33. Divisions of land as follows: (Added by Ord. No. 2388, effective 12-12-80.)
 - a. Divisions of land resulting in parcels containing less than forty (40) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b. Divisions of land resulting in parcels containing less than forty (40) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
34. Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products. (Added by Ord. No. 2720, effective 8-5-86.)
35. Agricultural service establishments primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farms or farm-related and equipment repair and maintenance. (Added by Ord. No. 2720, effective 8-5-86.)
36. Agricultural chemical experiment stations. (Added by Ord. No. 2720, effective 8-5-86.)

**FENCES, WALLS
AND HEDGES**

- F. Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property

and seventy (70) feet on a major street side of the property.

YARD REQUIREMENTS

- G.
1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
 2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
 3. Side Yards: The minimum side yard shall be ten (10) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
 4. Required yard areas may be used for growing of agricultural crops.

HEIGHTS OF STRUCTURES

- H.
- Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or take-off zone, or other restricted areas of an airport, established pursuant to sections 7275-7292 of the Ordinance Code of Tulare County.

DISTANCE BETWEEN STRUCTURES

- I.
- The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry shall be one hundred (100) feet. When structures are in existence at the time that AE-40 zoning is applied to the property which do not comply with the minimum distances set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

**SECTION 9.8: "AE-80" EXCLUSIVE AGRICULTURAL
ZONE - 80 ACRE MINIMUM**

(Added by Ord. No. 1520, effective 8-31-72.)

PURPOSE:

- A. The AE-80 Zone is an exclusive zone for agricultural uses and for those uses which are a necessary and integral part of the agricultural operation. The purpose of this zone is to protect the general welfare of the agricultural community from encroachments of unrelated agricultural uses which, by their nature, would be injurious to the physical and economic well-being of the agricultural community. It is also the purpose of this zone to prevent or to minimize the negative interaction between various agricultural uses. A related purpose of this zone is to disperse intensive animal agricultural uses to avoid air, water, or land pollution otherwise resulting from compact distributions of such uses. The minimum parcel size permitted to be created in this district is, with certain exceptions, eight (80) acres.

USE:

- B. No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:
1. One (1) single-family residence or mobilehome for the entire contiguous property owned by one (1) person, firm, partnership or corporation or owned jointly by more than one (1) person, firm, partnership or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.
 2. In addition to the residence allowed under paragraph 1 above, one (1) additional residence or mobilehome for each twenty (20) acres in the entire property. Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee or by employees who work on the property. However, if the property is less than twenty (20) acres in area and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives and employees may be allowed under the Use Permit procedures set forth in subsection E of this section. (Amended by Ord. No. 1595, effective 6-28-73.)

3. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms, and storage and use of petroleum products.
4. The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber, but excluding the growing of mushrooms which requires a Use Permit under subsection E of this Section.
5. The growing and harvesting of field crops, grain and hay crops, and the growing of grass for pasture and grazing.
6. The raising and slaughter of poultry up to a maximum of three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, and not to exceed a total of one thousand (1,000) birds in all, unless a Use Permit has been secured as required under subsection E of this Section.
7. The raising and slaughter of rabbits and other similar furbearing animals. The maximum number of mature animals allowed on any parcel shall not exceed two hundred and forty (240) unless a Use Permit has been secured as required under subsection E of this Section. Any offspring of the animals may remain on the property until they reach the normal age for weaning.
8. The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds. The total of such animals on the property shall not exceed two (2) mature animals for each acre in the entire property, and not exceed a total of twenty-five (25) animals in all, unless a Use Permit has been secured as required under subsection E of this Section or under paragraph B of Part II of Section 16 of this Ordinance. Any offspring of the animals allowed may remain until they reach the normal age for weaning.
9. Fish farming operations for the raising as a crops but not including fishing clubs or fishing for members of the general public on a commercial basis.
10. Game preserve, private or public, but not including hunting clubs or hunting for members of the general public on a commercial basis.

11. (Repealed by Ord. No. 2720, effective 8-5-86.)
12. (Repealed by Ord. No. 2720, effective 8-5-86.)
13. Plant nursery, not including retail sales.
(Amended by Ord. No. 2754, effective 1-15-87.)
14. Sale of agricultural products, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)
15. Signs which pertain only to a permitted use on the property on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
16. Temporary landing of aircraft engaged in agricultural uses.
17. (Amended by Ord. No. 2520, effective 2-24-83; repealed by Ord. No. 2720, effective 8-5-8.)
18. Open space uses including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
19. Biomass fuel manufacture for personal use. (Added by Ord. No. 2350, effective 7-31-80.)
20. Apiary and honey extraction plant. (Added by Ord. No. 2416, effective 5-28-81.)
21. Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81.)

PROHIBITION OF
SUBDIVISION

C. (Amended by Ord. No. 1807, effective 4-3-75; repealed by Ord. No. 2750, effective 1-15-87.)

DIVISIONS OF LAND D.

All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AE-80 zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than eight (80) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than eighty (80) acres at the time AE-80 zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7000-7126 of the Ordinance Code of Tulare County. (Amended by Ord. No. 1596, effective 6-28-73; amended by Ord. No. 1638, effective 9-27-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS:

E. Because of consideration of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this Ordinance:

1. Agricultural dehydrator with more than a combined total of one hundred (100) horsepower in all motors used.
2. Agricultural chemicals; storage, handling and manufacturing. (Repealed by Ord. No. 2416, effective 5-28-81; added by Ord. No. 2520, effective 2-24-83.)
3. Asphalt manufacturing and refining.
4. Brick, tile and terra cotta manufacturing.
5. Concrete products manufacturing.
6. Cotton gin and oil mill.

7. Feed lot for more than twenty-five (25 animals).
8. Feed mill with more than a combined total of one hundred and seventy-five (175) horsepower in all motors used.
9. Fertilizer manufacturing.
10. Fish smoking, curing and canning.
11. Guest ranch and summer camps.
12. Hunting and fishing clubs and hunting and fishing on a commercial basis for members of the public.
13. Manufacture of irrigation pipe and accessory equipment and agriculture machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Repealed by Ord. No. 2335, effective 6-5-80; added by Ord. No. 2520, effective 2-24-83.)
14. Mushroom growing.
15. Olive processing plants.
16. Petroleum products; manufacturing and wholesale storage.
17. (Repealed by Ord. No. 1528, effective 10-12-72.)
18. Potash works; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provision of section 7700 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
19. Quarry and stone mill; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of section 7700 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
20. Raising or slaughter of poultry when more than three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, or more than a total of one thousand (1,000) birds in all, are on the property at any time.

21. Raising or slaughter of rabbits or other furbearing animals when a total of more than two hundred and forty (240) mature animals are on the property at any time.
22. Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals or other similar domesticated quadrupeds when more than two (2) mature animals for each acre in the entire property, or more than a total of twenty-five (25) animals in all, are on the property at any time.
23. Residences or mobilehomes in excess of those allowed under paragraph 2 of subsection B of this Section, for use by the persons specified in said paragraph 2 of subsection b.
24. Rock crusher and distribution of rock, sand and gravel.
- 24.2 Sale of agricultural products and feed for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection B of this section. (Added by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86.)
- 24.4. Sawmill, shingle mill or box shook mill. (Added by Ord. No. 2520, effective 2-24-83.)
25. Seed cleaning and treating plants.
26. Sewage treatment plant and disposal area.
27. Slaughterhouse.
28. Stockyard.
29. Winery.
- 29.5 Similar uses when determined in the manner prescribed in section 15, paragraph A, USE, subparagraph 1, item b. (Added by Ord. No. 2520, effective 2-24-83.)
30. Divisions of land as follows: (Added by Ord. No. 2388, effective 12-12-80.)
 - a. Divisions of land resulting in parcels containing less than eighty (80) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.

b. Divisions of land resulting in parcels containing less than eighty (80) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.

31. Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products. (Added by Ord. No. 2720, effective 8-5-86.)

32. Agricultural service establishments primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance. (Added by Ord. No. 2720, effective 8-5-86.)

33. Agricultural chemical experiment stations. (Added by Ord. No. 2720, effective 8-5-86.)

**FENCES, WALLS
AND HEDGES:**

F. Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersecting streets which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

**YARD REQUIRE-
MENTS:**

- G.
1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
 2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
 3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
 4. Required yard areas may be used for growing of agricultural crops.

**HEIGHT OF
STRUCTURES:**

H. Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or takeoff

zone or other restricted areas of an airport, established pursuant to Sections 7275-7292 of the Ordinance Code of Tulare County.

**DISTANCE BETWEEN
STRUCTURES:**

- I. The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral or other structure housing livestock or poultry shall be one hundred (100) feet. When structures are in existence at the time that AE-80 zoning is applied to the property which do not comply with the minimum distances set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

SECTION 10: "A-1" AGRICULTURAL ZONE

(Amended by Ord. No. 422, effective 3-28-50; amended by Ord. No. 494, effective 3-27-52; amended by Ord. No. 703, effective 8-27-59; reorganized and amended by Ord. No. 1539, effective 1-11-73.)

PURPOSE:

- A. The purpose of this zone is to insure that areas zoned A-1 develop in a manner consistent with the General Plan and the public health, safety and general welfare, and to prevent the introduction of incompatible commercial, manufacturing, subdivision, and other urban uses into predominantly agricultural areas of the County. A limitation on minimum parcel size of five (5) acres is included in order to preserve agricultural lands in increments large enough to support commercial agriculture and to discourage the generation of urban land uses in predominantly agricultural areas. The purpose of the zone is also to prepare for eventual adjustments in zoning based on precise planning and development proposals for such areas.

APPLICATION:

- B. All land in the County of Tulare not shown on the Zoning Map as being within the boundaries of any of the other classes of zones listed in subsection A of Section 3 of this Ordinance is included in the A-1 (Agricultural) Zone.

USE:

- C. No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:
1. Any use listed as an allowed use in Sections 6, 9.5, 9.6 and 9.8 of this Ordinance, as said sections read presently and as they are amended from time to time.
 2. Any use requiring a Use Permit under Sections 9.5 and 9.6 and 9.8 of this Ordinance, as said sections read presently and as they are amended from time to time. Provided, however, that a Use Permit must first be secured in the manner specified in Part II of Section 16 of this Ordinance and further provided that no showings specified in Paragraph C of Part II of Section 16 of this Ordinance shall be required.
 3. Any Special Use specified in Paragraph B of Part II of Section 16 of this Ordinance as an allowable use in the A-1 Zone, as said Paragraph reads presently and as it is amended from time to time. Provided, however, that a Use Permit must first be secured in the manner specified therein.

PROHIBITION OF
SUBDIVISIONS

- D. No subdivision, as that term is defined in Section 2 of this Ordinance, may be created within this zone. (Added by Ord. No. 1414, effective 12-10-70; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1807, effective 4-3-75; amended by Ord. No. 1990, effective 1-27-77.)

DIVISIONS OF LAND

- E. All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after the effective date of this subsection, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than five (5) acres; provided, however, that the transactions set forth in Subsection D.2 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than five (5) acres prior to the effective date of this subsection, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7100-7126 of the Ordinance Code of Tulare County. (Subsection E added by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1586, effective 5-31-73; amended by Ord. No. 1596, effective 6-28-73; amended by Ord. No. 1638, effective 9-27-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1990, effective 1-27-77; amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2272, effective 9-27-79; amended by Ord. No. 2537, effective 6-16-83; amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

SECTION 10.3: "AF", FOOTHILL AGRICULTURAL ZONE
(Added by Ord. No. 2407, effective 3-26-81.)

PURPOSE:

- A. The AF Zone is an exclusive zone for intensive and extensive foothill agricultural uses and for those uses which are a necessary and integral part of intensive and extensive foothill agricultural operations. The purposes of this zone are as follows:
1. To protect the general welfare of the foothill agricultural community from encroachments of unrelated uses which, by their nature, would be injurious to the physical and economic well-being of the foothill agricultural community and the community at large.
 2. To prevent to minimize the negative interaction between various foothill agricultural uses.
 3. To prevent or minimize land use conflicts or injury to the physical or economic well-being of urban, suburban, or other non-agricultural uses by foothill agricultural uses.
 4. To disburse intensive animal agricultural uses in order to avoid air, water or land pollution otherwise resulting from compact distribution of such uses.
 5. To provide for a minimum parcel standard which is appropriate for foothill areas where soil capability and other characteristics are such that the unregulated breakdown of land would adversely affect the physical and economic well-being of the foothill agricultural community and the community at large.
 6. To implement land use controls and development standards which are necessary to achieve the goals and objectives for foothill agricultural lands as required by the General Plan.
 7. To function as a holding zone in certain foothill areas which should be retained in extensive agricultural use until such time as the General Plan is amended to provide for the conversion of such lands to urban use.

The minimum parcel size permitted to be created in this zone is, with certain exceptions, one hundred and sixty (160) acres.

USE:

- B. No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

1. One (1) single family residence or mobilehome for the entire contiguous property owned by one (1) person, firm, partnership or corporation or owned jointly by more than one (1) person, firm, partnership or corporation or any combination thereof. Such residence or mobilehome shall be occupied only by an owner of the property and his family or a lessee of the property and his family.
2. In addition to the residence allowed under paragraph 1 above, one (1) additional residence or mobilehome for each forty (40) acres in the entire property. Such additional residences and mobilehomes shall be occupied only by relatives of the owner or lessee or by employees who work on the property. However, if the property is less than forty (40) acres, but greater than ten (10) acres in area, and was of record at the time this zone became applicable to the property, one (1) such residence or mobilehome may be constructed and used as a dwelling by the persons designated hereinabove. In addition to the number of residences and mobilehomes allowed under this paragraph, additional residences and mobilehomes for use by such relatives and employees may be allowed under the use permit procedures set forth in subsection D of this section.
3. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, storehouses, garden structures, greenhouses, recreation rooms and storage and use of petroleum products.
4. The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber, but excluding the growing of mushrooms, which requires a use permit under subsection D of this section.
5. The growing and harvesting of field crops, grain and hay crops, and the growing of grass for pasture and grazing.
6. The raising and slaughter of poultry up to a maximum of three (3) birds for each 1,300 square feet in the entire property, and not to exceed a total of 1,000 birds in all, unless a use permit has been secured as required under subsection D of this section.

7. The raising and slaughter of rabbits and other similar furbearing animals. The maximum number of mature animals allowed on any parcel shall not exceed 240 unless a use permit has been secured as required under subsection D of this section. Any offspring of the animals may remain on the property until they reach the normal age for weaning.
8. The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds; provided, however, that no feed lots as set forth in paragraph 6 of subsection D of this section may be permitted unless a Use Permit has been secured as required under subsection D or under paragraph B of Part II of Section 16 of this Ordinance.
9. Feed lots or areas for concentrated feeding of animals which are used on a intermittent basis and which are accessory to a permitted animal raising operation as set forth in paragraph 8 of this subsection.
10. Fish farming operations for the raising and harvesting of fish as a crop but not including fishing clubs or fishing for members of the general public on a commercial basis, unless a use permit has been secured as required under subsection D of this section.
11. Game preserve, private or public, but not including hunting clubs or hunting for members of the general public on a commercial basis, unless a use permit has been secured as required under subsection D of this section.
12. Plant nursery, not including retail sales. (Amended by Ord. No. 2754, effective 1-15-87.)
13. Sale of agricultural products, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted on or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86; amended by Ord. No. 2754, effective 1-15-87.)

14. Signs which pertain only to a permitted use on the property on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
15. Temporary landing of aircraft engaged in agricultural uses.
16. (Repealed by Ord. No. 2720, effective 8-5-86.)
17. The open space uses including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
18. Biomass fuel manufacture for personal use.
19. Apiary and honey extraction plan. (Added by Ord. No. 2416, effective 5-28-81.)
20. Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81.)

DIVISIONS OF LAND C. All real property, improved or unimproved, which is shown on the latest adopted County tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after AF zoning is applied to such property, except in compliance with this subsection. No such land may be divided for any purpose if any one (1) parcel resulting from the division of land contains less than one-hundred and sixty (160) acres; provided, however, that the transactions set forth in Subsection D.2 and D.3 of Section 15 of this ordinance are not subject to this restriction.

Notwithstanding the aforementioned restrictions, if the entire property contained less than one-hundred and sixty (160) acres at the time AF zoning was applied to the property, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Section 7000-7126 of the Ordinance Code of Tulare County. (Amended by Ord. No. 2693, effective 2-27-86; amended by Ord. No. 2751, effective 2-1-87.)

USE PERMITS:

- D. Because of considerations of smoke, fumes, dust, odor and other hazards, regardless of the other provisions of this section, the establishment and operation of the following uses shall be permitted in this zone only if a Use Permit is first secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this Ordinance.
1. Agricultural service establishments primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers.
 2. Agricultural chemical experiment stations. (Repealed to Ord. No. 2416, effective 5-28-81; added by Ord. No. 2720, effective 8-5-86.)
 3. Asphalt manufacturing and refining.
 4. Brick, tile and terra cotta manufacturing.
 5. Concrete products manufacturing.
 - 5.5 Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products. (Added by Ord. No. 2720, effective 8-5-86.)
 6. Feed lots for more than twenty-five (25) animals; provided, however, that no use permit shall be required for any feed lot operation set forth as a permitted use under paragraph 9 of subsection B of this section.
 7. Fertilizer manufacturing.
 8. Guest ranch or summer camp.
 9. Hunting and fishing clubs and hunting and fishing on a commercial basis for members of the public.
 - 9.5 Manufacture of irrigation pipe and accessory equipment and agriculture machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers. (Added by Ord. No. 2520, effective 2-24-83.)
 10. Mushroom growing.
 11. Petroleum products; manufacturing and wholesale storage.

12. Potash works; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of section 7700 et seq. of the Ordinance Code of Tulare County.
13. Quarry and stone mill; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of section 7700 et seq. of the Ordinance Code of Tulare County.
14. Raising or slaughter of poultry when more than three (3) birds for each 1,300 square feet in the entire property, or more than a total of 1,000 birds in all, are on the property at any time.
15. Raising or slaughter of rabbits or other similar furbearing animals when a total of more than 240 mature animals are on the property at any time.
16. Residences or mobilehomes in excess of those allowed under paragraph 2 of subsection B of this section, for use by the persons specified in said paragraph 2 of subsection B.
17. Rock crusher and distribution of rock, sand and gravel.
18. Saw mill, shingle mill or box shook mill.
19. Sale of agricultural products and feed for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection B of this section. (Amended by Ord. No. 2520, effective 2-24-83, amended by Ord. No. 2692, effective 2-27-86.)
20. Services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance.
21. Sewage treatment plant and disposal area.
22. Slaughterhouse.
23. Similar uses when determined in the manner prescribed in Section 15, paragraph A USE subparagraph 1, item b.
24. Divisions of land as follows:
 - a. Divisions of land resulting in parcels containing less than one-hundred and sixty (160) acres for the purpose of conveying property containing existing agricultural-

related industries or services established in accordance with all applicable building and zoning regulations.

- b. Divisions of land resulting in parcels containing less than one-hundred and sixty (160) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.
- c. Divisions of land resulting in parcels containing less than one-hundred and sixty (160) acres for the purpose of conveying property containing perennial agricultural crops such as fruit and nut trees and vines which have continuously existed on the property for less than five (5) years. No special use permit may be approved for such division of land unless it is found that a sufficient water supply for irrigation is available and that the land proposed to be divided is suitable for the commercial cultivation, growing and harvesting of said perennial agricultural crops. Any parcel created pursuant to this subparagraph shall be at least twenty (20) acres in size; provided, however, if that portion of the property containing said perennial agricultural crops is less than twenty (20) acres but greater than five (5) acres, the property containing said crops may be conveyed as a single unit. There may be more than one division of land pursuant to this subparagraph.
- d. Divisions of land resulting in parcels containing less than one-hundred and sixty (160) acres for the purpose of conveying property for the development of perennial agricultural crops such as fruit and nut trees and vines. No special use permit may be approved for such division of land unless it is found that a sufficient water supply for irrigation is or will be available and that the land proposed to be divided is suitable for the commercial cultivation, growing and harvesting of the proposed perennial agricultural crops. Any parcel created pursuant to this subparagraph shall be at least twenty (20) acres in size. There may be more than one division of land pursuant to this subparagraph.
- e. Divisions of land resulting in parcels containing less than one-hundred and sixty

(160) acres for the purpose of financing on-site improvements other than a residence.

**FENCES, WALLS
AND HEDGES:**

- E. Fences, walls and hedges shall be permitted. However, no solid fence, wall or hedge shall exceed three (3) feet in height within the area contiguous to two (2) intersection streets in which is described as follows: that area on the street side of a diagonal line connecting points, measured from the intersection corner, fifty (50) feet on a minor street side of the property and seventy (70) feet on a major street side of the property.

**YARD REQUIRE-
MENTS:**

- F. 1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by this Ordinance or by other Ordinances of the County.
2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by this Ordinance or by other Ordinances of the County.
3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by this Ordinance or by other Ordinances of the County.
4. Required yard areas may be used for grazing of animals and for growing of agricultural crops.

**HEIGHT OF
STRUCTURES:**

- G. Not more than fifty (50) feet to the uppermost part of the roof except that water tanks, silos, granaries, wind machines, barns and other agricultural accessory structures may exceed fifty (50) feet in height provided they do not project into the landing or take-off zone, or other restricted areas of an airport, established pursuant to sections 7272-7292 of the Ordinance Code of Tulare County.

**DISTANCES BETWEEN
STRUCTURES:**

- H. The minimum distance between two (2) structures used for human habitation shall be twenty (20) feet. The minimum distance between a structure used for human habitation and a pen, coop, stable, barn, corral, or other structure housing livestock or poultry which is not on the same lot or parcel as the structure used for human habitation shall be one hundred (100) feet. When structures are in existence at the time that AF zoning is applied to the property which do not comply with the minimum distance set forth above, such structures may be structurally altered and additions made to such structures so long as the distance between the structures is not reduced.

SECTION 10.5: "TPZ" TIMBER PRESERVE ZONE
(Added by Ord. No. 2185, effective 11-30-78.)

PURPOSE:

- A. The TPZ Zone is an exclusive zone for use in areas devoted to and used for growing and harvesting timber and for those uses which are compatible with and an integral part of timber management operations. The purpose of this zone is as follows:
1. To protect and preserve the forest resources and timberlands of the County for the production of timber, recreational opportunities, watershed protection and maintenance of fisheries and wildlife.
 2. To protect and preserve the forest resources and timberlands of the County from encroachment of unrelated uses.
 3. To replace the use of Williamson Act contracts on the date that TPZ zoning is applied to timberlands, in order to provide a tax structure conducive to growing and harvesting timber.
 4. To implement the Z'bert-Warren-Keene-Collier Forest Taxation Reform Act of 1976, as amended (Sections 51100 et seq. of the Government Code), which is hereby incorporated herein by reference.

USE:

- B. No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:
1. Growing and harvesting of timber and forest products.
 2. Uses and facilities integrally related to the growing and harvesting of timber and forest products including, but not limited to, roads, log landings and log storage areas, but not including processing facilities.
 3. Management for watershed including management of all the natural resources of a watershed to protect, maintain, or improve water quality and yield.
 4. Management for fish and wildlife habitat including the establishment of wildlife preserves.
 5. Forest fire lookout facilities.
 6. The erection, construction, alteration, or maintenance of gas, electric, water, or community transmission facilities.

7. Grazing of sheep, goats, horses, mules, bovine animals and other similar domesticated quadrupeds, provided that no feed lot may be maintained.
8. Outdoor educational activities.
9. Directional signs not advertising a commercial product or place of business.
10. Temporary helicopter landing areas for craft engaged in logging operations.

**DIVISIONS OF
LAND:**

- C. TPZ zoned property may not be divided into parcels containing less than 160 acres except as provided in Section 51119.5 of the Government Code.

(NOTE: Section 51119.5 reads as follows:

51119.5 Parcels zoned as timberland preserve under this chapter may not be divided into parcels containing less than 160 acres unless the original owner prepares a joint timber management plan prepared or approved as to content by a registered professional forester for the parcels to be created. The joint timber management plan shall provide for the management and harvesting of timber by the original and any subsequent owners, and shall be recorded with the county recorder as a deed restriction on all newly created parcels. Such deed restriction shall run with the land rather than with the owners, and shall remain in force for a period of not less than 10 years from the date division is approved by the board or council. Such division shall be approved only by a four-fifths vote of the full board or council, and only after recording of the deed restriction.

USE PERMITS:

- D. The following uses shall be permitted in the TPZ Zone only if a Use Permit is approved subject to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance:
1. Mineral and hydrocarbon discovery and mining, but not including processing; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of section 7700 et seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 2220, effective 3-29-79.)
 2. Energy resource development, but not including construction and operation of power generating plants.

3. Temporary logging camps or labor camps established in conjunction with timber harvesting or planting operations.
4. Single family dwellings and/or mobilehomes and normal accessory structures for the owner or caretaker of the property when such dwellings are necessary for timber management operations.
5. Non-intensive recreational activities, including hunting and fishing clubs, equestrian establishments, public and private stables, hiking trails, campgrounds, and public and private parks.
6. Temporary portable sawmills and temporary portable planing mills.

YARD REQUIREMENTS:

- E. 1. Front Yard: The minimum front yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
2. Rear Yard: The minimum rear yard shall be twenty-five (25) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
3. Side Yards: The minimum side yards shall be ten (10) feet except along those streets and highways where a greater setback is required by other Ordinances of the County.
4. Required yard areas may be used for the growing and harvesting of timber and forest products.

HEIGHT OF STRUCTURES:

- F. Not more than fifty (50) feet to the uppermost part of the roof except that accessory structures may exceed (50) feet in height provided they do not project into the landing or takeoff zone or other restricted areas of an airport established pursuant to Sections 7275-7292 of the Ordinance Code of Tulare County.

DISTANCE BETWEEN STRUCTURES:

- G. No requirements.

FENCES, WALLS, AND HEDGES

- H. No requirements.

PROCEDURES:

- I. Regardless of the provisions of Sections 17 and 18 of this Ordinance and Section 65800 et seq. of the Government Code, all proceedings concerning this section shall be subject to the procedures set forth in Section 51100 et seq. of the Government Code as said sections may be amended from time to time.

FEES:

- J. Fees for processing TPZ zoning applications, special use permits and variances shall be the same as those set forth in Section 18 of this Ordinance.

SECTION 11: "C-1" NEIGHBORHOOD COMMERCIAL ZONE
(Revised and reorganized by Ord. No. 2714, effective 7-17-86.)

The following regulations shall apply in the "C-1" Neighborhood Commercial Zone unless otherwise provided in this Ordinance.

PURPOSE

- A. The Neighborhood Commercial Zone is intended for retail stores and personal service businesses which are appropriately located in close proximity to residential areas, while minimizing the undesirable impact of such uses in the neighborhoods which they serve. (Revised by Ord. No. 2714, effective 7-17-86.)

USE

- B. No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses (Relettered from Subsection A to Subsection B by Ord. No. 2714, effective 7-17-86):

1. Any use permitted in the "R-3" Multiple Family Zone.
2. Neighborhood commercial establishments as follows:

Apparel stores

Bakery (employing not more than five (5) persons on premises)

Banks and financial institutions (added by Ord. No. 2714, effective 7-17-86)

Barber shop or beauty parlor

Book or stationery store

Clothes cleaning and pressing establishment which provides retail services only and uses only non-flammable and non-explosive cleaning fluids (amended by Ord. No. 2714, effective 7-17-86)

Confectionery store

Christmas tree sales lots as a temporary use (added by Ord. No. 2714, effective 7-17-86)

Dairy products store (added by Ord. No. 2714, effective 7-17-86)

Dressmaking or millinery shop

Drug store or pharmacy (amended by Ord. No. 2714, effective 7-17-86)

Dry goods or notions store

Florist shop

Gasoline filling station (excluding super-service station) (amended by Ord. No. 2714, effective 7-17-86)

Grocery store, fruit store or supermarket (amended by Ord. No. 2714, effective 7-17-86)

Hardware store

Jewelry store, including clock and watch repair (amended by Ord. No. 2714, effective 7-17-86)

Laundry, coin operated machines only (amended by Ord. No. 2714, effective 7-17-86)

Liquor store (added by Ord. No. 2714, effective 7-17-86)

Meat market or delicatessen store

Office, business or professional

Photo processing pick-up and delivery outlets (added by Ord. No. 2714, effective 7-17-86)

Post office (added by Ord. No. 2714, effective 7-17-86)

Repairing and altering of wearing apparel (amended by Ord. No. 2714, effective 7-17-86)

Restaurant, tea room or cafe (excluding dancing or entertainment)

Shoe repair shop

Shoe store

Small appliance sales and service (added by Ord. No. 2714, effective 7-17-86)

Sporting goods store (added by Ord. No. 2714, effective 7-17-86)

Video machine and tape sales/rental (Added by Ord. No. 2714, effective 7-17-86.)

3. Similar uses when determined in the manner prescribed in Section 15, Subsection A, USE, paragraph 1, subparagraph b. (Added by Ord. No. 2714, effective 7-17-86.)
4. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot. (Renumbered from paragraph A20 by Ord. No. 2714, effective 7-17-86.)
5. On-site outdoor advertising display signs in conformance with this Section and Section 15. (Added by Ord. No. 2714, effective 7-17-86.)
6. Public parking areas for the exclusive use of the patrons of the stores, shops or businesses in the immediate commercial zone when located and developed as required in Section 15. (Renumbered from paragraph A22 by Ord. No. 2714, effective 7-17-86.)

**USES REQUIRING A
SPECIAL USE
PERMIT**

- C. Refer to Section 16, Part II B. (Revised by Ord. No. 2714, effective 7-17-86.)

**DEVELOPMENT
STANDARDS**

- D. 1. Use Conditions: The retail stores and businesses described in Subsection B shall sell new merchandise only and be subject to the following conditions (renumbered from Subsection A and amended by Ord. No. 2714, effective 7-17-86):
 - a. All business, services, and processes, except filling stations, outdoor dining areas, and Christmas tree lots, shall be conducted entirely within a building.
 - b. Products made incident to a permitted use shall be sold at retail on the premises.
 - c. All public entrances to such stores, shops or businesses shall be from the principal street upon which the property abuts or within fifty (50) feet thereof, except that a rear entrance from the building to a public parking area may be provided.
 - d. (Repealed by Ord. No. 2714, effective 7-17-86.)

e. (Repealed by Ord. No. 2714, effective 7-17-86.)

2. Height: No building hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet. (Renumbered from Subsection B by Ord. No. 2714, effective 7-17-86.)
3. Front yard: There shall be a front yard of not less than ten (10) percent of the depth of the lot, provided such front yard need not exceed fifteen (15) feet. However, buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the front yard requirements of the "R-3" Zone. (Renumbered from Subsection C and amended by Ord. No. 2714, effective 7-17-86.)
4. Side yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-1, R-O, R-2, or R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a commercial building shall not be required. However, buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the side yard requirements of the "R-3" Zone. (Renumbered from Subsection D and amended by Ord. No. 2714, effective 7-17-86.)
5. Rear yard: There shall be a rear yard having a depth of not less than fifteen (15) feet. However, buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the rear yard requirements of the "R-3" Zone. (Renumbered from Subsection E to paragraph D.5 and amended by Ord. No. 2714, effective 7-17-86.)
6. Lot area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section. (Added by Ord. 2714, effective 7-17-86.)

7. Parking and loading: Off-street parking and loading space shall be required in conformance with Section 15. (Renumbered from paragraphs A.21 and A.23 and amended by Ord. No. 2714, effective 7-17-86.)
 8. Outdoor advertising display signs: Any outdoor advertising display signs shall be attached to and be parallel with the wall of the building fronting the principal street or, in the case of a corner building, on that portion of the side street wall within fifty (50) feet of the principal street and shall pertain only to the use conducted within the building. (Renumbered from paragraph A.d to paragraph D.8 and amended by Ord. No. 2714, effective 7-17-86.)
 9. Fences, walls and screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-1, R-A, R-O, R-2 or R-3) there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the C-1 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County. (Added by Ord. No. 2714, effective 7-17-86.)
- E. (Rescinded by Ord. No. 2714, effective 7-17-86.)
- F. (Rescinded by Ord. No. 2714, effective 7-17-86.)

SECTION 12: "C-2" GENERAL COMMERCIAL ZONE
(Revised and reorganized by Ord. No. 2714, effective 7-17-86.)

The following regulations shall apply in the "C-2" General Commercial Zone unless otherwise provided in this Ordinance.

PURPOSE

- A. The General Commercial Zone is intended for retail stores and businesses which do not involve the manufacture, assembling, packaging, treatment or processing of articles of merchandise for distribution and retail sale. (Revised by Ord. No. 2714, effective 7-17-86.)

USE

- B. No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses (Relettered from Subsection A to Subsection B by Ord. No. 2714, effective 7-17-86):

1. Any use permitted in the "C-1" Neighborhood Commercial Zone. (Renumbered from paragraph A.1 to paragraph B.1 by Ord. No. 2714, effective 7-17-86.)
2. Retail stores, businesses, or services, as follows: (NOTE: Prior to the effective date of Ord. No. 2714, the C-2 Zone did not contain an extensive use list. Instead, the C-2 Zone permitted all "Retail stores and businesses not involving any kind of manufacturing, processing or treatment of products" except certain incidental activities subject to the stipulation which now appear in paragraph D.1. Therefore, a number of the uses in the following list were considered to have been allowed in the C-2 Zone under the foregoing provision even though they were not specifically identified until the adoption of Ord. No. 2714.)

Antique and art store *

Arcades, including video **

Automated car wash (coin-operated only) **

Automobile supply stores **

Automobile storage garage (including repair and servicing) *

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

Automotive sales, lease and rental, provided
(a) that no repair or reconditioning of
automobiles shall be permitted except
when enclosed in a building, and (b)
the outdoor parking or display area is
located and developed as required in
Section 15 *

Bakery goods store **

Bath House, public *

Batting cage if completely enclosed **

Bicycle shops **

Billiard or Pool hall

Bird store or pet shop

Blueprinting and photostating shops *

Business and professional schools and
colleges *

Card room **

Catering shops **

Ceramics shops **

Clothing and costume rental **

Conservatory of Music

Department store

Electric appliance stores and repairs

Electric distributing substation

Fast food restaurant **

Frozen food locker plants (excluding
wholesale processing or cold storage)

Funeral parlor or mortuary *

Furniture store

Furniture warehouses for storing personal
household goods, provided ground floor
front is devoted to stores

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

Gift, novelty or souvenir store **

Glass shop, retail, excluding major service activities **

Hobby and art supply stores **

Household appliance stores **

Ice storage house of not more than five (5) ton capacity

Interior decorating store

Leather goods and luggage stores **

Locksmiths **

Massage or physiotherapy establishment **

Medical laboratory

Medical and orthopedic appliance stores **

Motels

Music or vocal instruction

Music store

Newsstand

Newspaper plant

New tire sales and service **

Nursery, flower or plants and garden supply stores *

Offices **

Opticians and optometrists shops **

Paint and wallpaper stores **

Pet shops **

Photographic supply stores **

Picture framing shops **

Plumbing fixtures for retail sales **

Printing, lithography, engraving **

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

Private club, fraternity, sorority and lodge whose chief activity is a service customarily carried on as a business (Added by Ord. 703, effective 8-27-59; relocated from Paragraph A.32a by Ord. No. 2714, effective 7-17-86.)

Radio and television stores *

Retail office equipment sales **

Satellite antenna sales **

Scientific instrument stores **

Secondhand stores, pawn shops and thrift shops **

Soda fountains **

Stamp and coin stores **

Studios (except motion picture)

Super service station

Taxidermist

Telegraph offices **

Telephone exchange

Tinsmith

Tire sales (no retreading or recapping) **

Tobacco and cigar stores **

Toy store **

Travel agencies **

Variety store **

Watch and clock repair shop **

Wedding chapel

3. Similar uses when determined in the manner prescribed in Section 15, Subsection A, USE, paragraph 1, subparagraph b. (Added by Ord. No. 2714, effective 7-17-86.)

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

4. Accessory buildings and uses, including warehousing, customarily incident to any of the above uses when located on the same lot. (Renumbered from paragraph A.46 and amended by Ord. No. 2714, effective 7-17-86.)
5. Incidental manufacturing, processing and treatment of products in conformance with subsection D, paragraph 1. (Added by Ord. No. 2714, effective 7-17-86.)
6. Outdoor advertising display signs, including off-site signs in conformance with this Section and Section 15. (Renumbered from paragraph A.3 and amended by Ord. No. 2714, effective 7-17-86.)
7. Public parking area when located and developed as required in Section 15. (Renumbered from paragraph A.33 by Ord. No. 2714, effective 7-17-86.)
8. Mobilehome for use by caretaker or nightwatchman of a commercial use when located on the same lot or parcel as the commercial use or a lot contiguous to the lot on which the commercial use is located. (Added by Ord. No. 2299, effective 1-17-80; renumbered from paragraph A.26.5 by Ord. No. 2714, effective 7-17-86.)
9. Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81; renumbered from paragraph A.25.5 by Ord. No. 2714, effective 7-17-86.)

**USES REQUIRING
A SPECIAL USE
PERMIT**

- C. Refer to Section 16, Part II B. (Amended by Ord. No. 2714, effective 7-17-86.)

**DEVELOPMENT
STANDARDS**

- D. 1. Use Conditions: Manufacturing, processing and treatment of products which is clearly incidental to the retail business conducted on the premises is permitted provided that not more than five (5) persons are employed in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes, and provided also that unless otherwise permitted all such uses be conducted inside of a building. (Renumbered from paragraph A.2 and amended by Ord. No. 2714, effective 7-17-86.)

2. Height: No building hereafter erected or structurally altered shall exceed six (6) stories or seventy-five (75) feet to uppermost part of roof. (Renumbered from Subsection B by Ord. No. 2714, effective 7-17-86.)
3. Front Yard: There shall be a front yard of not less than ten (10) percent of the depth of the lot provided such front yard need not exceed ten (10) feet, and further provided that buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the front yard requirements of the "R-3" Zone. However, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. (Added by Ord. No. 2714, effective 7-17-86.)
4. Side Yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-O, R-1, R-2, and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall not be less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a commercial building shall not be required. However, buildings erected or structurally altered and used exclusively for dwelling purpose shall comply with the side yard requirements of the "R-3" Zone. (Added by Ord. No. 2714, effective 7-17-86.)
5. Rear Yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases a rear yard for a commercial building shall not be required. However, buildings erected or structurally altered and used exclusively for dwelling purposes shall comply with the rear yard requirements of the "R-3" Zone. (Added by Ord. No. 2714, effective 7-17-86.)

6. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provision of this Section. (Added by Ord. No. 2714, effective 7-17-86.)
 7. Parking and loading: Off-street parking and loading space shall be required in conformance with Section 15. (Renumbered from paragraphs A.47 and A.48 and amended by Ord. No. 2714, effective 7-17-86.)
 8. Outdoor advertising display signs: No requirements. (Added by Ord. No. 2714, effective 7-17-86.)
 9. Fences, walls and screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-1, R-A, R-O, R-2 or R-3) there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the C-2 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County. (Added by Ord. No. 2714, effective 7-17-86.)
- E. (Rescinded by Ord. No. 2714, effective 7-17-86.)
- F. (Rescinded by Ord. No. 2714, effective 7-17-86.)

SECTION 12.5: "C-3" SERVICE COMMERCIAL ZONE
(Added by Ord. 2714, effective 7-17-86.)

The following provisions shall apply in the "C-3" Service Commercial Zone unless otherwise provided in this Ordinance.

PURPOSE

- A. The Service Commercial Zone is intended for wholesale establishments and establishments engaged in repairing and servicing equipment, materials and products, but which do not involve the manufacturing, assembling, packaging or processing of articles of merchandise for distribution and retail sales.

USE

- B. No building or land may be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses:

1. Any use permitted in the "C-2" General Commercial Zone

2. Service Commercial establishments as follows:

Automobile body and fender repair

Automobile repairing, overhauling, rebuilding and painting

Automobile and tractor parts and equipment stores

Automobile upholstery and top shops

Automobile washing including the use of mechanical conveyors, blowers and steam cleaning

Bakeries (retail and wholesale)

Blacksmith shops

Boat sales and service

Book binding

Bottling works

Building materials yards

Bus depots and transit stations (including repair or storage)

Business, professional and trade schools and colleges

Cabinet shops

Carpenters' shops

Cleaning and dyeing establishments

Cold storage plants

Contractors' storage yard

Diaper supply services

Electrical repair shops

Equipment rental yards

Exterminators

Feed and seed stores

Firewood sales yard

Food lockers and services (including wholesale processing or cold storage)

Freight forwarding terminals and yards

Furniture warehouses and van services

Gas regulator stations

Glass shops

Gunsmith shops

Heating and ventilating or air-conditioning shops, including incidental sheet metal

Household and office equipment and machinery repair shops

Household repair shops

Ice storage or sale houses

Laboratories

Laundries

Linen supply services

Lumber yards, not including planing mills or saw mills, bulk sand, gravel or cement

Machine shops

Machinery sales and rentals

Machinery repair shops

Mattress repair shops

Mini-warehouses

Motorcycle sales and service

Musical instrument repair shops

Packing and crating

Paint mixing, not including a boiling process

Parcel delivery services

Photographic and blueprint processing and printing

Photographic developing and printing

Plumbing shops

Poultry and rabbit butcher shops for retail sales on the premises (including live storage), provided that such uses shall not be established closer than five hundred (500) feet to any then existing "R" Zone (R-A, R-O, R-1, R-2 and R-3)

Pressing establishments

Radio and television broadcasting studios

Radio and television repair shops

Railroad rights-of-way and freight and passenger stations

Refrigeration equipment sales and service

Repair garages

Rug and carpet cleaning and dyeing

Safe and vault repairing

Sheet metal shops

Sign painting shops

Stone and monument yards or mills

Storage yards for commercial vehicles

Super service stations, including dispensing
of diesel fuel and complete truck
service

Taxidermists

Tire sales, retreading, and recapping

Tool or cutlery sharpening or grinding

Trailer and recreation vehicle sales,
service and rentals

Trucking terminals, repairing and over-
hauling

Typewriter repair shops

Upholstery shops

Warehouses except for the storage of fuel or
flammable liquids and explosives

Welding and blacksmithing shops, except drop
hammer

Wholesale establishments

3. Similar uses when determined in the manner pre-
scribed in Section 15, Subsection A USE, para-
graph 1, subparagraph b.
4. Accessory buildings and uses customarily incident
to any of the above uses when located on the same
lot.
5. Outdoor advertising display signs, including off-
site signs, in conformance with this Section and
Section 15.
6. Mobilehome or recreation vehicle for use by care-
taker or nightwatchman of a commercial use when
located on the same lot or parcel as the commer-
cial use or a lot contiguous to the lot on which
the commercial use is located.

USES REQUIRING
A SPECIAL USE
PERMIT

DEVELOPMENT
STANDARDS

C. Refer to Section 16, Part II B.

- D.
1. Use Conditions: No building or portion thereof shall be erected, structurally altered, converted or used for any use permitted in the "R-3" Zone.
 2. Height: No building or structure hereafter erected or structurally altered shall exceed six (6) stories or seventy-five (75) feet to uppermost part of roof.
 3. Front Yard: There shall be a front yard of not less than ten (10) percent of the depth of the lot, provided such front yard need not exceed ten (10) feet, except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established.
 4. Side Yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for commercial buildings shall not be required.
 5. Rear Yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases, a rear yard for a commercial building shall not be required.
 6. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section.
 7. Parking and Loading: Off-street parking and loading space shall be required in conformance with Section 15.

8. Outdoor advertising display signs: No requirements.
9. Fences, walls and screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-1, R-A, R-O, R-2 or R-3) there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Open storage of materials and equipment shall be permitted only within an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in a commercial or manufacturing zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County.

SECTION 13: "M-1" LIGHT MANUFACTURING ZONE

(Revised and reorganized by Ord. No. 2714, effective 7-17-86.)

The following regulations shall apply in the "M-1" Light Manufacturing Zone unless otherwise provided in this Ordinance.

PURPOSE

- A. The Light Manufacturing Zone is intended for establishments engaged in the manufacturing, assembling, packaging, treatment and processing of products other than those which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise or other similar causes. (Revised by Ord. No. 2714, effective 7-17-86.)

USE

- B. No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses (Relettered from subsection A to subsection B by Ord. No. 2714, effective 7-17-86):

1. Any use permitted in the "C-3" Zone. (Renumbered from paragraph A.1 and amended by Ord. No. 2714, effective 7-17-86.)
2. Light manufacturing establishments as follows:
(NOTE: Prior to the effective date of Ord. No. 2714, the M-1 Zone contained a paragraph which permitted "any kind of manufacture, processing or treatment of products other than those which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise or similar causes." Therefore, a number of the uses described in the following list were considered to have been allowed in the M-1 Zone under the foregoing provision even though they were not specifically identified until the adoption of Ordinance No. 2714.)

Assembly of typewriters, business machines, computers, and similar mechanical equipment**

Assembly of electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances**

Assembly of small electrical equipment such as home motion picture equipment, phonographs and radio and television receivers**

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

Assembly of aircraft, automobiles and boats*

Automobile dismantling and used parts storage when operated or maintained wholly within a building*

Compounding and packaging of cosmetics, perfumes, drugs, pharmaceuticals and toiletries, including soap manufacture using a cold mix process*

Food processing, packaging, canning and storage, including dairy products, fruits, nuts, vegetables, blended foods, candies, non-alcoholic beverages, preserves, bakery goods and frozen foods; but excluding dehydrating of aromatic vegetables and spices, olive processing, vinegar manufacturing by fermentation, pickle manufacturing, sauerkraut manufacturing, livestock feed manufacturing and processing, fertilizer manufacturing, butchering, slaughtering, eviscerating, skinning and fat rendering*

Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, cameras and photographic equipment except film, electronic equipment, musical instruments, precision instruments, optical goods, watches and clocks**

Manufacture of ceramic products, such as pottery, figurines and small glazed tile**

Manufacture and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly**

Manufacture and assembling of jewelry, watches, clocks, precision instruments, bottles and other glass products which are made from previously prepared materials**

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

Manufacture of leather goods, paper products, pens, pencils and artist supplies when such goods, products and supplies are made from previously prepared materials**

Manufacture of cutlery, hardware, hand tools and furniture; metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils**

Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials; asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood**

Manufacturing of containers from previously prepared materials when such process does not include enameling, lacquering, rubber coating or electric plating**

Manufacture and maintenance of electric and neon signs, billboards and commercial advertising structures*

Motion picture studio

Prefabricated buildings and mobilehome manufacture**

Public Utility structure*

Public Works maintenance facilities*

Textile manufacture

Wholesale meat cutting, canning and packing, provided there shall be no bovine or other large animal slaughtering, fat rendering or smoke curing*

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

3. Similar uses when determined in the manner prescribed in Section 15, Subsection A. USE, paragraph 1, subparagraph b. (Added by Ord. No. 2714, effective 7-17-86.)
4. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot. (Renumbered from paragraph A.44 by Ord. No. 2714, effective 7-17-86.)
5. Outdoor advertising display signs, including off-site signs, in conformance with this Section and Section 15. (Added by Ord. No. 2714, effective 7-17-86.)
6. Mobilehome or recreation vehicle for use by caretaker or nightwatchman of a manufacturing use when located on the same lot or parcel as the manufacturing use or a lot contiguous to the lot on which the manufacturing use is located. (Added by Ord. No. 2299, effective 1-17-80; renumbered from paragraph A.30.5 and amended by Ord. No. 2714, effective 7-17-86.)
7. Agricultural uses as follows:

Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock. (Added by Ord. No. 1195, effective 2-22-68; renumbered from paragraph A.45 by Ord. No. 2714, effective 7-17-86.)

The raising of poultry up to a maximum of three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, and not to exceed a total of one hundred (100) birds in all, unless a Use Permit has been secured as required under subsection C of this Section. (Added by Ord. No. 1195, effective 2-22-68; renumbered from paragraph A.46 and amended by Ord. No. 2714, effective 7-17-86.)

The raising of rabbits and other similar furbearing animals. The maximum number of mature animals allowed on any parcel shall not exceed sixty (60) unless a Use Permit has been secured as required under subsection C of this Section.

Any offspring of the animals allowed under this paragraph may remain on the property until they reach the normal age for weaning. (Added by Ord. No. 1195, effective 2-22-68; renumbered from paragraph A.46 and amended by Ord. No. 2714, effective 7-17-86.)

The raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds. The total number of such animals shall not exceed two (2) mature animals for each acre in the entire property, and not exceed a total of twenty-five (25) animals in all. Any offspring of the animals allowed under this paragraph may remain until they reach the normal age for weaning. (Added by Ord. No. 1195, effective 2-22-68; renumbered from paragraph A.47 and amended by Ord. No. 2714, effective 7-17-86.)

**USES REQUIRING
A SPECIAL USE
PERMIT**

C. Because of the consideration of smoke, fumes, dust, odor, vibrations and other hazards, the following uses shall be permitted in the "M-1" Zone only if a Special Use Permit has been approved in the manner provided in Section 16, Part II B. (Subsection C revised by Ord. No. 2714, effective 7-17-86.)

1. Manufacturing and industrial uses as follows (added by Ord. No. 2714, effective 7-17-86):

Concrete and concrete products manufacture

Battery manufacture

Planing mills

Poultry and rabbit slaughter

2. Similar uses when determined in the manner prescribed in Section 15, Subsection A, USE, paragraph 1, subparagraph b. (Added by Ord. No. 2714, effective 7-17-86.)

3. Additional uses which are permitted in the "M-1" Zone only if a Special Use Permit has been approved as set forth in Section 16, Part II. B. (Added by Ord. No. 2714, effective 7-17-86.)

DEVELOPMENT
STANDARDS

- D. 1. Use conditions: No building or portion thereof shall be erected, structurally altered, converted or used for any use permitted in the "R-3" Zone. (Renumbered from Subsection A and amended by Ord. No. 2714, effective 7-17-86.)
2. Height: No building or structure hereafter erected or structurally altered shall exceed six (6) stories or seventy-five (75) feet to uppermost part of roof. (Renumbered from Subsection B and amended by Ord. No. 2714, effective 7-17-86.)
3. Front yard: There shall be a front yard of not less than ten (10) percent of the depth of the lot, provided such front yard need not exceed ten (10) feet, except, where lots comprising forty (40) percent or more of the frontage on one side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established. (Added by Ord. No. 2714, effective 7-17-86.)
4. Side yard: Where a lot abuts upon the side of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a side yard of not less than five (5) feet. Where a reversed corner lot rears upon a lot in any "R" Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a commercial building shall not be required. (Added by Ord. No. 2714, effective 7-17-86.)
5. Rear yard: Where a lot abuts upon the rear of a lot in any "R" Zone (R-A, R-O, R-1, R-2 and R-3), there shall be a rear yard of not less than fifteen (15) feet. In all other cases, a rear yard for a commercial building shall not be required. (Added by Ord. No. 2714, effective 7-17-86.)
6. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section. (Added by Ord. No. 2714, effective 7-17-86.)

7. Parking and loading: Off-street parking and loading space shall be required in conformance with Section 15. (Renumbered from paragraph A.45 and A.46 and amended by Ord. No. 2714, effective 7-17-86.)
 8. Outdoor advertising display signs: No requirements. (Added by Ord. No. 2714, effective 7-17-86.)
 9. Fences, walls and screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-1, R-A, R-O, R-2 or R-3) there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line, except in a required front or side yard. Open storage of materials and equipment shall be permitted only with an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), and not less than six (6) feet in height, provided that no materials shall be stored to a height greater than that of the wall, fence or hedge. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the M-1 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County. (Added by Ord. No. 2714, effective 7-17-86.)
- E. (Rescinded by Ord. No. 2714, effective 7-17-86.)
- F. (Rescinded by Ord. No. 2714, effective 7-17-86.)

SECTION 14: "M-2" HEAVY MANUFACTURING ZONE

(Revised and reorganized by Ord. No. 2714, effective 7-17-86.)

The following regulations shall apply in the "M-2" Heavy Manufacturing Zone unless otherwise provided in this Ordinance:

PURPOSE

- A. The Heavy Manufacturing Zone is intended for manufacturing establishments and industries which may be obnoxious by reason of emission of odor, dust, smoke, gas, noise or similar causes and therefore require isolation from many other kinds of land use. (Revised by Ord. No. 2714, effective 7-17-86.)

PERMITTED USES

- B. No building or land shall be used and no building shall be hereafter erected or structurally altered, except for one or more of the following uses (relettered from Subsection A and amended by Ord. No. 2714, effective 7-17-86):

1. Any use permitted in the "M-1" Zone. (Renumbered from paragraph A.1 by Ord. No. 2714, effective 7-17-86.)

2. Heavy manufacturing and industrial uses as follows (added by Ord. No. 2714, effective 7-17-86):

Acetylene gas manufacture or storage

Aircraft factory**

Alcohol manufacture

Automobile, truck and trailer accessories and parts manufacture**

Ammonia, bleaching powder or chlorine manufacturing

Asphalt manufacture or refining

Bag cleaning**

Blast furnace or coke oven

Boiler works

Box factories and cooperage**

Brick, tile or terra cotta manufacture

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

Building materials manufacture and assembly including composition wall boards, partition, panels and prefabricated structures**

Business machine manufacture including accounting machines, calculators, card-counting equipment and typewriters**

Can and metal container manufacture**

Candle manufacture not including rendering**

Carpet and rug manufacture**

Concrete and concrete products manufacture*

Feed and flour mill*

Firearms manufacture (excluding ammunition)**

Fish smoking, curing or canning

Freight classification yards

Glass and glass products manufacture**

Grain elevators**

Graphite and graphite products manufacture**

Ink manufacture**

Insecticides, fungicides, disinfectants and similar industrial and household chemical compounds manufacture**

Jute, hemp, sisal, and oakum products manufacture**

Leather and fur finishing and dyeing, not including tanning and curing**

Machinery manufacture including heavy electrical, agricultural, construction and mining machinery and light machinery and equipment such as air conditioning, commercial motion picture equipment, dishwashers, dryers, furnaces, heaters, refrigerators, stoves and washing machines**

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

Machine tools manufacture including metal lathes, metal presses, metal stamping machines and woodworking machines**

Meat products processing and packaging, not including slaughtering and glue and size manufacture**

Metal alloys and foil manufacture including solder, pewter, brass, bronze and tin, lead and gold foil**

Metal casting and foundries not including magnesium foundries**

Metal foundry or plant for manufacture or fabrication of metal parts

Motor and generator manufacture and testing**

Oil cloth or linoleum manufacture

Ore reduction

Paint, oil, shellac, turpentine, or varnish manufacture

Paper and pulp manufacture

Paraffin products manufacture**

Petroleum products or wholesale storage of petroleum

Plastics manufacture or fabrication (Amended by Ord. No. 1311, effective 6-19-69.)

Porcelain products manufacture including bathroom and kitchen fixtures and equipment*

Potash works

Precious metals reduction, smelting and refining**

Pyroxlin manufacture**

Quarry or stone mill

Railroad repair shops

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

Rock crusher or distribution of rock, sand or gravel

Rolling mills

Rubber or gutta-percha manufacture or treatment

Salt works

Sand blasting**

Shoe polish and stove black manufacture*

Soap manufacture (not including fat rendering)*

Soda and compound manufacture

Starch and dextrine manufacture**

Steel products manufacture and assembly including steel cabinets and lockers, doors, fencing and furniture**

Stone products manufacture and stone processing including abrasives, asbestos, stone screening and sand and lime products*

Structural steel products manufacture including bars, girders, rail and wire rope**

Tar distillation or tar products manufacture

Textile bleaching**

Wire and cable manufacturing**

Wood and lumber processing and woodworking including planing mills and saw mills, excelsior, plywood, veneer and wood preserving treatment**

Wool pulling or scouring

3. Similar uses when determined in the manner prescribed in Section 15, Subsection A. USE, Paragraph 1, subparagraph b. (Added by Ord. No. 2714, effective 7-17-86.)

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

4. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot. (Added by Ord. No. 2714, effective 7-17-86.)
5. Outdoor advertising display signs, including off-site signs, in conformance with this Section and Section 15. (Added by Ord. No. 2714, effective 7-17-86.)
6. Mobilehome or recreation vehicle for use by caretaker or nightwatchman of a manufacturing use when located on the same lot or parcel as the manufacturing use or a lot contiguous to the lot on which the manufacturing use is located. (Added by Ord. No. 2714, effective 7-17-86.)

**USES REQUIRING
A SPECIAL USE
PERMIT**

- C. Because of consideration of smoke, fumes, dust, odor, vibrations and other hazards, the following uses shall be permitted in the M-2 Zone only if a Special Use Permit has been approved in the manner provided in Section 16, Part II.B. (Revised by Ord. No. 2714, effective 7-17-86.)

1. Heavy manufacturing and industrial uses as follows (Renumbered from paragraph A.35 and amended by Ord. No. 2714, effective 7-17-86):

Acid manufacture

Cement, lime, gypsum or plaster of paris manufacture

Charcoal, lampblack and fuel briquet manufacture**

Cotton gin or oil mill (Added by Ord. No. 481, effective 11-29-51.)

Distillation of bones

Drop forge industries manufacturing forgings with power hammers

Explosives and/or ammunition manufacture or storage*

Fat rendering

Fertilizer manufacture

Film manufacture**

Fireworks manufacture or storage**

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

Garbage, offal or dead animal incineration,
reduction or dumping*

Gas manufacture

Glue manufacture

Lard manufacture**

Magnesium foundries**

Manure, peat and topsoil processing and
storage**

Motor vehicle dismantling or wrecking yards*

Oil extraction plants

Petroleum refining

Smelting, reduction, refining and alloying
of tin, copper, zinc or iron ores*

Steam plant**

Stock yards or slaughter of large animals*

Storage depots for nonoperating vehicles
(Amended by Ord. No. 2542, effective 7-
7-83)

Tallow manufacture**

Tannery

Wineries, distilleries and breweries

2. Similar uses when determined in the manner pre-
scribed in Section 15, Subsection A, USE, para-
graph 1, subparagraph b. (Renumbered from para-
graph A.35.u by Ord. No. 2714, effective 7-17-
86.)
3. Any above ground storage of flammable liquids as
specified in Part II of Section 16 of this Or-
dinance shall require a special use permit.
(Added by Ord. No. 2714, effective 7-17-86.)

**DEVELOPMENT
STANDARDS**

- D. 1. Use Conditions: No building shall be erected,
structurally altered, converted or used in the
M-2 Zone for any use permitted in the R-3 Zone.
However, a building which is a residence and is
used in connection with farming operations on the
same property, including any accessory buildings

* Amended by Ord. No. 2714, effective 7-17-86

** Added by Ord. No. 2714, effective 7-17-86

and structures, which is situated on the property at the time the property is placed in this zone shall constitute an allowed use, but only so long as said residence continues to be used in connection with the farming operations on the property. (Added by Ord. No. 1195, effective 2-22-68; renumbered from paragraph A.35 by Ord. No. 2714, effective 7-17-86.)

2. Height: No building hereafter erected or structurally altered shall exceed a height at the street line of eight (8) stories or one hundred (100) feet. (Renumbered from Subsection B by Ord. No. 2714, effective 7-17-86.)
3. Front yard: No front yard shall be required. (Renumbered from Subsection C by Ord. No. 2714, effective 7-17-86.)
4. Side yard: No side yard shall be required. (Renumbered from Subsection D by Ord. No. 2714, effective 7-17-86.)
5. Rear yard: No rear yard shall be required, except where an "M-2" Zone abuts upon an "R" Zone (R-A, R-O, R-1, R-2 and R-3), in which case there shall be a rear yard of not less than twenty (20) feet. (Renumbered from Subsection E and amended by Ord. No. 2714, effective 7-17-86.)
6. Lot area: The minimum lot area shall be ten thousand (10,000) square feet; provided, however, that where a lot has less area than herein required and was of record at the time this paragraph became effective, said lot may be occupied by not more than one (1) main building subject to the provisions of this Section. (Added by Ord. No. 2714, effective 7-17-86.)
7. Parking and loading: Off-street parking and loading space shall be required in conformance with Section 15. (Added by Ord. No. 2714, effective 7-17-86.)
8. Outdoor advertising display signs: No requirements. (Added by Ord. No. 2714, effective 7-17-86.)
9. Fences, walls and screening: Where the side or rear lot line of a site adjoins or is located across an alley from any "R" Zone (R-1, R-A, R-O, R-2 or R-3) there shall be a solid wall, fence or equivalent landscape screening at least six (6) feet in height located along the common lot line,

except in a required front or side yard. Open storage of materials and equipment shall be permitted only with an area surrounded and screened by a solid wall or fence or compact evergreen hedge (with solid gates where necessary), not less than six (6) feet in height. Fulfillment of the requirements of this paragraph shall not be required for buildings and uses which were established in accordance with all applicable building and zoning regulations and which were existing in the M-2 Zone on the effective date of this paragraph, until such time as a permit or other grant of approval for expansion, alteration or development of the property is approved by the County. (Added by Ord. No. 2714, effective 7-17-86.)

SECTION 14.1: "AP", AIRPORT IMPACT ZONE
(Added by Ord. No. 2320, effective 4-3-80.)

PURPOSE:

- A. The "AP" Zone is a service commercial, industrial and agricultural land use district. The purpose of the zone is to establish land use regulations which will promote a harmonious relationship between airport activities and adjacent urban area land uses within the airport environment. Within this district, land shall be reserved for activities that can tolerate a high level of sound exposure while reducing the level of risk to health and safety resulting from aircraft overflights. (Amended by Ord. No. 2351, effective 8-7-80.)

APPLICATION:

- B. This special zone is intended for application within the impact areas and environs of certain airports within Tulare County. Airport impact areas generally are defined as those areas identified in the General Plan.

PERMITTED USES:

- C. (Introductory paragraph repealed by Ord. No. 2351, effective 8-7-80.)

1. Agricultural related uses, including:

- a. The growing and harvesting of fruit and nut trees, vines, vegetables, horticultural specialties and timber, but excluding the growing of mushrooms.
- b. The growing and harvesting of field crops, grain and hay crops, and the growing of grass for pasture and grazing.
- c. Fish farming operations for the raising and harvesting of fish as a crop, including fish clubs and commercial fishing.
- d. Services to farmers or farm-related activities in planting, harvesting, storage, hauling, equipment repair and maintenance, crop dusting and tree service firms.

2. Commercial Service Uses, including:

- a. Agricultural Sales Stores, including: horticultural nurseries, landscaping and garden supplies, christmas tree lots and sales, and hay, feed and seed sales.
- b. General automotive/equipment sales and services, including: the sale, rental, repair,

maintenance, cleaning and painting (including body and upholstery work) of new and used automobiles, boats, motorcycles, mobilehomes, recreation vehicles and trailers.

- c. Heavy automotive/equipment sales and services, including: the sale, rental, repair, maintenance, cleaning and painting of new and used aircraft, trucks (and trailers), farm equipment, and heavy construction and earth moving equipment.
- d. Small equipment and machinery sales and services, including: (bicycle shops, equipment and machinery sales and rentals (landscaping, gardening, home improvement, etc.).
- e. Building materials and lumber yards, including: planing mills, cabinet shops, and carpenter shops.
- f. Food processing, preparation, packaging and shipping, including: bakeries, dairy products preparation, and other similar uses.
- g. Cleaning, pressing and dyeing establishments (using non-flammable and non-explosive cleaning fluids), laundries, linen supply, diaper service, canvas shops, upholstery shops, rug and carpet cleaning and dyeing, and similar services.
- h. Cold storage plants, food lockers, ice plants, ice storage and sales.
- i. General services, including: bookbinding, pest extermination, taxidermy, locksmithing, safe and vault repair, mattress repair and shoe repair.
- j. Service stations (gasoline), including dispensing of diesel fuel and complete truck service, truck terminals, and repair.
- k. Warehousing, mini-warehouses and storage, storage garages and yards, freight forwarding terminals, furniture warehouses and van storage, and parcel post service.

3. Limited Industrial Uses, including:

- a. Assembly, sale or repair of home appliances, including radio and television repair.

- b. Manufacture or repair of precision instruments, appliances, tools and equipment.
 - c. Manufacture and sale of ceramic products, such as pottery, figurines, and glazed tile.
 - d. Manufacturing, assembling, compounding, packaging and processing of cosmetics, drugs, pharmaceuticals, toilet soap (not including refining or rendering of fats or oils) and toiletries.
 - e. Manufacture, repair and assembly of electrical supplies such as coils, condensers, crystal holders, insulation, lamps, switches and wire and cable assembly, provided no noxious or offensive fumes or odors are produced.
 - f. Manufacture and repair cutlery, hardware, hand tools and furniture, dye and pattern making; metal stamping and extrusion of small products such as costume jewelry, pins and needles, razor blades, bottle caps, buttons and kitchen utensils.
 - g. Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from synthetic or other previously prepared materials.
 - h. Blacksmith and welding shops; boat building; electric motor rebuilding machine shops; paint shops, sheet metal shops, heating or ventilating or air conditioning shops, and plumbing.
 - i. Manufacture and maintenance of electric and neon signs, and commercial advertising structures.
4. A trailer or mobilehome used exclusively by a caretaker or watchman of a permitted industrial use, provided that the mobile unit is located on the same site in which the permitted use is located.
5. Accessory Uses:

In addition to the principal uses expressly included herein, accessory uses which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to principal uses shall be permitted.

PERMITTED USES:
SPECIAL USE
PERMIT:

D. The following Special Uses shall be permitted subject to the granting of a Special Use Permit in accordance with the procedures set forth in Paragraph B., Part II, of Section 16 of this Ordinance:

1. Automobile wrecking yards.
2. Bus depots and transit stations.
3. Collective or combined off-street parking and loading areas serving two or more buildings, uses or establishments.

USES EXPRESSLY
PROHIBITED:

E. Sound sensitive activities such as residential housing of any type, schools, offices, hospitals, churches and similar activities shall be prohibited from the "AP". Airport Impact Zone.

HEIGHT OF
STRUCTURES:

F. No building or structure hereafter erected or structurally altered shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet, whichever is less. Where such buildings or structures are also regulated by other airport zone height limitations (citation: Section 7275 et. seq. of Ordinance Code), the more stringent provisions shall prevail.

YARD REQUIRE-
MENTS:

G. Yards shall not be required except under the following conditions:

1. The site is adjacent to a street or highway where a specified minimum setback is required by the Tulare County Building Line Setbacks regulations (Tulare County Ordinance Code Sections 7500 et seq.), or
2. Where a commercial or industrial use is proposed adjacent to or across the street from an existing residential dwelling or use, or is adjacent to a residential zone district, the following minimum yard setbacks shall be required:

Front Yard - 25 feet

Rear Yard - 10 feet

Side Yard - 5 feet (pertains only to the side adjacent to a residential building use or zone district).

MINIMUM LOT
AREA, WIDTH
AND DEPTH

H. 1. The minimum lot standards shall be as follows:

Lot area - 12,500 square feet

Lot width - 100 feet

Lot depth - 100 feet

2. All real property, improved or unimproved, which is shown on the latest adopted County Tax Roll as a unit or contiguous units and which is owned by the same person or person shall not be divided or developed after the effective date of this paragraph, except in conformance with this paragraph. No such land may be divided or any purposes if any one (1) parcel or lot resulting from the division of land containing less than the 12,500 square feet provided in paragraph (1) herein above and no permits to develop any parcel containing less than 12,500 square feet shall be permitted.
3. Notwithstanding the aforementioned restrictions, if the entire property contained less than 12,500 square feet, prior to the effective date of this subsection, the entire property may be conveyed or developed as a single unit.

**OFF-STREET
PARKING AND
LOADING FACILITIES:**

- I. The following off-street parking and/or loading standards shall apply in conjunction with the issuance of any permit or approval for permitted or special uses:
 1. There shall be one (1) off-street parking space for each employee of the maximum working shift for agriculture, service commercial, warehouses and industrial uses.
 2. Off-street parking areas, aisles and access drive shall be paved or treated so as to provide a durable, dustless surface and shall be so graded and drained as to provide adequate disposal of surface water without creating or compounding drainage problems for adjacent properties or public rights of way.
 3. Parking spaces shall be designed and marked to a size minimum of nine (9) feet wide and twenty (20) feet long.
 4. When provided, off-street loading spaces for deliveries and pickup shall be not less than 10 feet wide and 35 feet long with a minimum height clearance of 14 feet. Such loading areas shall afford adequate ingress and egress for trucks from a public street or alley and shall not interfere with circulation or use of required parking on the site or adjacent properties.

5. Collective or combined off-street parking and loading facilities may be permitted to serve the total requirements of two or more uses subject to the granting of a special use permit as provided in Section D herein.

**SCREENING AND
LANDSCAPING:**

- J. The following screening and landscaping provisions shall apply in conjunction with the issuance of any permit or approval for permitted or special uses:

1. A planting strip at least ten (10) feet wide shall be established in every required front yard and a planting strip at least five (5) feet wide shall be maintained in required side and rear yards adjacent or across the street from any residential use or zone. Such landscaping shall include some combination of trees, ground cover shrubs, vines, flowers or lawn, with provisions for maintenance thereof. In addition, the combination or design may include materials such as rock and stone, and structural features, including but not limited to fountains, pools, art work, screens, walls and fences.
2. Where yards are required, a solid hedge, wall or screen fence a minimum of six (6) feet in height, shall be located along the common property lines, except in any required front yard or street side yard.

**SIGNS AND ADVERTISING
STRUCTURES**

- K. One single-faced wall sign and one double-faced free standing sign is permitted for each frontage of a premise on a street right of way subject to the following provisions:

1. Off-site outdoor advertising display signs, portable on-premises signs and roof mounted signs shall be prohibited.
2. On-site outdoor advertising display signs, advertising or identifying a product and/or a business produced or situated on the premises shall be permitted along with any public service, directional or informational signs required and installed by a public or quasi-public agency, and temporary signs advertising a site or business as being for sale or lease.
3. Signs may be illuminated, provided the source of illumination such as a light bulb, tube or filament is not visible and provided the lights are not stroboscopic and do not flash, scintillate, rotate or otherwise produce the effect of movement.

4. The maximum permissible sign copy area per face shall not exceed the following standards:

<u>Sign Type</u>	<u>Maximum Total Copy Area Per Sign Face (Sq. Ft.)</u>
Wall Sign - Single face	150
Free-Standing Sign - Double Face	100
Free-Standing sign - Double face (visible from and within 100 feet of a State designated Freeway right-of-way)	250
Real Estate Sign - Single face only (pertaining only to the sale, lease or hire of the particular building property or premises upon which displayed)	50

SECTION 14.3: "M" SPECIAL MOBILEHOME ZONE
(Added by Ord. No. 1149, effective 7-27-69.)

- PURPOSE:** A. The purposes of this special zone are as follows:
1. To provide for mobilehome use in communities and rural areas where, under certain conditions, a mixture of conventional housing and individual mobilehomes for residential use is desirable.
 2. To designate lots zoned for single-family dwellings, for mobilehomes for which lots are determined to be compatible for such mobilehome use, in accordance with Section 65852.3 of the Government Code of the State of California. (Added by Ord. No. 2453, effective 12-24-81.)
- ZONE REGULATIONS:** B. This special zone may be applied to property only in conjunction with the following zones: "R-A" Rural Residential Zone, "R-1" Single Family Residential Zone and "PD-F" Planned Development - Foothill Zone. When this special zone is applied to property in conjunction with one of the aforementioned zones, the regulations set forth in this Section shall be applicable to the zone. (Added by Ord. No. 1149, effective 7-11-67; amended by Ord. No. 2299, effective 1-17-80; amended by Ord. No. 2417, effective 5-28-81.)
- USE:** C. The following uses shall be permitted in the M, Special Mobilehome Zone in addition to the uses set forth in the zone which is combined with the M Zone:
- Mobilehomes for use for residential purposes only on any individual lot or parcel, subject to the limitations set forth in Subsection D of this Section.
- A mobilehome park is not an allowed use in this zone; provided, however, that this subsection shall not be deemed to prohibit the granting of Special Use Permits for mobilehome parks in those zones where such Special Use Permits are authorized by other provisions of this Ordinance. (Amended by Ord. No. 2453, effective 12-24-81.)
- LOT AND YARD AREAS:** D. 1. A mobilehome shall be placed in such a manner as to comply with all yard requirements of the zone in which it is located; provided, however, that the rear yard for a mobilehome need not exceed five (5) feet. (Amended by Ord. No. 2453, effective 12-24-81.)
2. A mobilehome shall not be located closer than ten (10) feet to any building, other than an accessory building, and shall not be located closer than

five (5) feet to any property line, public street or alley.

3. The minimum lot area for a lot or parcel which is subdivided exclusively for mobilehome use and is restricted to such use under the provisions of this ordinance shall be four thousand (4000) square feet in all zones except where subject to the Special Combining Zone (Section 14.5 of this Ordinance), the Planned Development Zone (Section 18.6 of this Ordinance), or any more restrictive lot size requirements under the County Subdivision Ordinance (Tulare County Ordinance Code sections 7000 et. seq.), in which case any lot or parcel shall be large enough to satisfy those requirements. Any lot or parcel created pursuant to this paragraph may be occupied by no more than one (1) mobilehome and no other permanent dwellings shall be permitted. (Added by Ord. No. 2453, effective 12-24-81.)
4. If a lot has less area than the minimum area required for a permanent dwelling in the zone in which it is located, and was of record at the time such zone became applicable to the property, said lot may be occupied by one (1) permanent dwelling or one (1) mobilehome, whichever the owner prefers. (Renumbered from paragraph 3 to paragraph 4 and amended by Ord. No. 2453, effective 12-24-81.)
5. If a lot has more area than the minimum lot area required for a permanent dwelling in the zone in which it is located, said lot may be occupied by two (2) mobilehomes or one (1) mobilehome and one (1) permanent dwelling subject to approval of a site plan pursuant to the procedure set forth in paragraph 1 of subsection G of section 16.2 of this ordinance. However, approval of a site plan shall not be required if the lot area is equal to or exceeds twice the minimum lot area required for a permanent dwelling in the zone in which it is located. Development of two (2) mobilehomes or one (1) mobilehome and one (1) permanent dwelling on one (1) lot shall be subject to the following requirements:
 - a. The mobilehome(s) and/or permanent dwelling shall comply with the provisions of paragraphs 1 and 2 of this subsection.
 - b. The distance between the two mobilehomes or the mobilehome and the permanent dwelling shall be not less than ten (10) feet.

- c. If the lot is to be occupied by two (2) mobilehomes, no more than one (1) mobilehome may be rented or leased or held out for rent or lease.
- d. The proposed facilities shall be maintained and operated in accordance with all State and County health regulations.
- e. Off-street parking shall be provided for each dwelling unit in accordance with subparagraph a of paragraph 2 of subsection A of section 15 of this ordinance.

The requirement to secure approval of a site plan shall not be applicable to a mobilehome which is replacing another mobilehome previously removed from the property and which is subject to the provisions of Article 5.1 of Chapter 4 of Part VII of the Ordinance Code of Tulare County. (Added by Ord. No. 2453, effective 12-24-81.)

PARKING

- E. One (1) off-street parking space shall be provided for said mobilehome.

FOUNDATION SYSTEMS:

- F. Any mobilehome permitted under this zone which has been certified under the National Mobilehome Construction and Safety Standards Act of 1974 (42 USC Section 5401 et. seq.) may be placed on a foundation system pursuant to Section 18551 of the Health and Safety Code of the State of California; provided, however, that any such mobilehome shall be placed on a lot in accordance with Subsection D of this Section. (Added by Ord. No. 2453, effective 12-24-81.)

MOBILEHOME DEVELOPMENTS:

- G. Any mobilehome development which contains minimum lot areas approved pursuant to paragraph 3 of subsection D of this section shall be restricted exclusively for mobilehome use by means of appropriate conditions, covenants and restrictions, approved by the Planning Director, and filed for record with the County Recorder by the subdivider. (Added by Ord. No. 2480, effective 7-1-82.)

SPECIAL ZONING REGULATION ESTABLISHED IN ORD. NO. 2299

Section 5 of Ordinance No. 2299 (effective 1-17-80) provided as follows: "The changes made in Ordinance No. 352 by section 1 of this Ordinance* shall have no effect on property in the R-3-M, O-M, C-2-M and M-1-M zones until the County has rezoned the property to eliminate the special M zone from the property."

*Refers to changes made in Section 14.3-B.

SECTION 14.4 "SC" SCENIC CORRIDOR COMBINING ZONE

(Added by Ord. No. 2282, effective 10-25-79,
amended by Ord. No. 2417, effective 5-28-81)

- PURPOSE:** A. The purpose of the Scenic Corridor Combining Zone shall be to preserve and protect the scenic quality of the immediately visible land area adjacent to those scenic highways and scenic roads established by the Tulare County General Plan, and to prevent visual obstructions of the extended view from such scenic highways and roads.
- APPLICATION:** B. This zone is intended to be combined with other zones and may be applied only to those areas visible from and adjacent to those scenic highways and scenic roads established by the Tulare County General Plan. When this zone is applied to property in conjunction with another zone set forth in this Ordinance, a new zone is thereby created and the regulations set forth in this section shall be applicable in addition to those otherwise applicable in the underlying or base zone. In addition, where the provisions of the underlying or base zone conflict with the requirements of this section, the requirements of this section shall prevail over those in the underlying or base zone. The new combined zone shall be shown on the Zoning Map by the letters "SC" following the symbol of the underlying or base zone.
- PROHIBITION OF OFF-SITE SIGNS** C. No person, firm, or corporation shall erect, build or paint any off-site outdoor advertising display sign on any parcel of real property located within this zone.
- COMBINATION WITH PD-F AND AF ZONES** D. When combined with the PD-F, Planned Development - Foothill Zone or the AF, Foothill Agricultural Zone, the following additional requirements shall apply:
1. On-premises outdoor advertising signs shall be permitted subject to the following regulations:
 - a. If an on-premises advertising structure pertaining to the identification of a permitted use is to be attached to the primary building facade, such signs shall be permitted without review by the Site Plan Review Committee. However, the requirement for the size, shape and lighting of such signs shall be determined based upon standards adopted by the Planning Commission.

- b. Any free-standing, outdoor advertising display sign identifying a permitted use of the property shall not be installed or constructed without approval by the Site Plan Review Committee in accordance with the procedures set forth in paragraph 1 of subsection G of Section 16.2 of this Ordinance. The review by the Site Plan Review Committee shall be limited to the design, setback, size and architectural compatibility of the proposed sign, and its impact on traffic safety and visibility of scenic resources from scenic highways and roads.
- 2. For any proposed development project which is subject to review by the Site Plan Review Committee in accordance with Section 16.2 of this ordinance, the following additional standards for development shall apply:
 - a. All new utility improvements shall be located underground.
 - b. Grading and/or cut and fill on sloping lands shall be kept to a minimum and shall be prohibited whenever it can be determined that such activities will have an adverse impact on scenic resources visible from scenic highways and roads.
 - c. Any exposed slopes resulting from grading and/or cut and fill activity shall be stabilized by plantings of compatible materials as a condition of approval of the project.
 - d. Existing vegetation and unique land forms, such as rock outcrops, shall be retained and protected from any unnecessary grading or other development related activities, except where necessary to open up or provide better views of desirable scenic features.
- 3. Yard and Lot Requirements:
 - a. Front Yard: The minimum front yard for lots which front upon a Scenic Highway shall be one hundred (100) feet. The minimum front yard for lots which front upon a scenic road shall be one hundred (100) feet minus a distance equal to one half of the width of the right-of-way of the scenic road across the front of the lot.

- b. Side Yards: The minimum side yard shall be ten (10) percent of the width of the lot, but not to exceed twenty-five (25) feet, except for corner lots adjacent to a Scenic Highway or road. In this case, there shall be a side yard on the street side of the corner lot which is equivalent to the front yard requirements set forth in subparagraph a of this paragraph.
- c. Lot Width: The minimum lot width of any lot with frontage along a scenic highway or a scenic road shall be one hundred and fifty (150) feet.

SECTION 14.5: SPECIAL COMBINING ZONE
(Added by Ord. No. 1121, effective 2-23-67.)

PURPOSE:

- A. This combining zone is intended for use in areas where land topography, soil conditions, impending development or other factors indicate a need for a zone with minimum lot areas of a larger size than the minimum lot area specified in this Ordinance for a particular zone.

**ZONE
REGULATIONS:**

- B. When this combining zone is applied to property in conjunction with another zone set forth in this Ordinance, a new zone is thereby created which shall have the minimum lot area requirements established pursuant to this Section and all of the other requirements for the combined zone shall be those which are applicable in the zone with which this zone is combined.

LOT AREAS:

- C. The minimum lot area in any zone established by the use of this Section shall be as indicated on the Zoning Map. Such minimum lot area shall be shown on the Zoning Map by a number following the zone symbol, which number, multiplied by one thousand (1,000), shall designate the minimum lot area in square feet applicable to the zone.

SECTION 14.7: "F-1" PRIMARY FLOOD PLAIN ZONE
(Added by Ord. No. 1371, effective 4-16-70;
Revised by Ord. No. 2741, effective 12-4-86.)

PURPOSE:

- A. The purpose of the Primary Flood Plain Zone shall be the prevention of loss of life, the minimization of property damage, and the maintenance of satisfactory conveyance capacities of waterways through the prevention of encroachments by obstructions in the floodway which may diminish the ability of the floodway to carry overloads during periods of flooding. This Zone is to be used in concert with the flood damage prevention regulations established in Chapter 8 of Part VII of the Ordinance Code of Tulare County. However, it shall only be delineated on the County Zoning Map when necessary to conform to the County General Plan or when necessary to establish flood plain regulations after completion of a Federal project report pursuant to Section 8411 of the California Water Code.

APPLICATION

- B. This zone may function either as an exclusive zone or in combination with other zones and may be applied only to those areas within the boundaries of the Selected Flood which have been determined to be the floodway area through an analysis of flood frequency, natural topography, bank erosion, channel shifts, flood profiles, velocity of flood waters or other applicable factors.

USE

- C. 1. When the Zoning Map indicates that the F-1 Zone is an exclusive zone, only the following uses shall be permitted provided such uses are authorized pursuant to the procedures set forth in Chapter 8 of Part VII of the Ordinance Code of Tulare County:

The growing and harvesting of field crops, vines, vegetables and horticultural specialties, excluding trees.

The operation of apiaries.

The grazing of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds.

The raising of poultry.

Wildlife preserves.

One (1) nonexpandable recreation vehicle having no permanently attached or detached accessory structures, for each parcel of property

under separate ownership, for use only by the owner of the property and/or his guests. Said recreation vehicles shall be maintained in a readily movable state and shall be located on the property only during the months of May through November, inclusive, and shall be removed from the property during the months of December through April, inclusive.

Public utility facilities, except those structures for which a use permit is required as specified under subsection "D" of this Section.

Flood control channels, surface water spreading grounds, stream bed retarding basins, and other similar facilities which have been approved by the Tulare County Flood Control District.

Parking lots provided any grading or structures do not significantly restrict the carrying capacity of the floodway.

2. When the Zoning Map indicates that the F-1 Zone is combined with other zones, only the following uses shall be permitted:

All those uses listed under paragraph 1 of this subsection which are allowed in the underlying or base zone.

Single family dwellings, mobilehomes and accessory residential and agricultural structures shall be allowed if they are allowed in the underlying or base zone, provided that all construction or installations are approved in accordance with the procedures referred to in Chapter 8 of Part VII of the Ordinance Code of Tulare County.

All uses allowed in the underlying or base zone which are not allowed under paragraph 1 of this subsection if approved in accordance with the procedures referred to in Chapter 8 of Part VII of the Ordinance Code of Tulare County.

USE PERMITS

- D. The following uses, buildings and structures shall be permitted in this zone only if a Use Permit is approved pursuant to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance.

1. When the Zoning Map indicates that the F-1 Zone is an exclusive Zone:

Private and public recreational uses such as:

Parks, aquatic facilities, campgrounds, recreation vehicle parks, playgrounds, athletic fields, golf courses, golf driving ranges, fishing and hunting clubs.

Temporary and readily removable structures accessory to agricultural uses.

Public utility structures.

Excavation and removal of rock, sand, gravel and other materials; provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of section 7700 et seq. of the Ordinance Code of Tulare County.

2. When the Zoning Map indicates that the F-1 Zone is combined with other zones:

All those uses listed under paragraph 1 of this subsection which are allowed in the underlying or base zone.

All uses which may be permitted subject to the granting of a Use Permit in the underlying or base zone.

Said Use Permit shall be granted only if it is found that any building or structure to be constructed will conform to the requirements set forth in Chapter 8 of Part VII of the Ordinance Code of Tulare County.

SECTION 14.8: "F-2" SECONDARY FLOOD PLAIN COMBINING ZONE
(Added by Ord. No. 1371, effective 4-16-70;
repealed by Section 8 of Ord. No. 2741, effective 12-4-

86.)

**ORDINANCE
NO. 2741**

Section 9 of Ordinance No. 2741 states as follows:

"It is the intent of the Board of Supervisors of the County of Tulare that Section 8 of this Ordinance not be effective until the County Zoning Map has been amended to change all existing "F-2" zoning designations to other zoning classifications, in accordance with the procedures established in Section 17 of Ordinance No. 352 for changing zone boundaries or classifications."

PURPOSE:

- A.** The purpose of the Secondary Flood Plain Combining Zone shall be the protection of life and property from the hazards and damages which may result from flood waters of the selected flood magnitude. This zone is intended for application to those areas of the County which lie within the fringe area of the flood plain and are subject to less severe inundation during flooding conditions than occur in the F-1 Zone.

APPLICATION:

- B.** This zone is intended to be combined with other zones and may be applied only to those areas located within the boundaries of the selected flood which lie outside the "F-1" Primary Flood Plain Zone, as determined through an analysis of flood frequency, natural topography, bank erosion, channel shifts, flood profiles, velocity flows or other applicable factors.

USE:

- C.** Only the following uses are allowed in the F-2 Zone:
1. All those uses listed under subsection C of Section 14.7 of this Ordinance which are allowed in the underlying or base zone.
 2. Single family dwellings and accessory residential and agricultural structures shall be allowed if they are allowed in the underlying or base zone, only if they comply with one or more of the following conditions:
 - a. The bottom of the structural floor of any such building will be above the selected flood profile level as shown on the Zoning Map for the building site; or,

- b. All permanent buildings will be protected from flooding by dikes, levees or other flood protection works whose design has been approved by the Tulare County Flood Control District.

USE PERMITS:

- D. The following uses, buildings and structures shall be permitted in the "F-2" Zone only if a Use Permit is approved subject to the procedures referred to in Paragraph B of Part II of Section 16 of this Ordinance:
 1. All uses allowed in the underlying or base zone which are not allowed under subsection C of this Section.
 2. All uses which may be permitted under USE Permit in the underlying or base zone.
 3. Additions or structural modifications to all existing structures and accessory structures which do not comply with the requirements in subsection C of this Section.

Said Use Permit shall be granted only if it is found that any building or structure to be constructed will be so constructed or located, or will be so protected by levees or other methods of flood proofing as to render them either resistant to flotation or immune to extensive damage by flooding, and to prevent peripheral flooding of other properties as a result of such construction.

SECTION 15: GENERAL PROVISIONS AND EXCEPTIONS

USE General

- A. 1. (Amended by Ord. No. 481, effective 11-29-51.)
- a. Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the zone in which such building or land is located.
 - b. If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Ordinance, or if ambiguity exists with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, it shall be the duty of the Commission to ascertain all pertinent facts and by formal resolution set forth its findings and its interpretation, and such resolution shall be forwarded to the Board of Supervisors and, if approved by the Board of Supervisors, thereafter such interpretation shall govern.
 - c. Where property classified for "C" uses has a depth of one hundred and twenty (120) feet or less, as measured at right angles from the street frontage indicated as business frontage. Additional adjoining property fronts upon the side street, and the side of such adjoining property abuts upon the property classified for "C" purposes and provided that such additional property and the property classified for "C" purposes shall aggregate a depth of not greater than one hundred and sixty (160) feet as measured at right angles from the frontage indicated as business frontage, and provided further that with respect to such enlarged business site comprising the corner of the main street and the side street, no street entrance shall be established or used upon the forty (40) feet farthest removed from the "C" classified corner created by the intersecting street.
 - d. Where areas are shown upon the zoning map enclosed within a heavy dotted line, the area thus shown is intended to approximate the location for that type of land use indicated by the symbol therein enclosed within a circle. Other uncircumscribed symbols

within such designated areas represent present classification. If preceding, or following the subdividing thereof, an Official Precise Plan of streets, lots and other features of design is adopted in the manner prescribed by law, then such properties may be authorized for uses conforming to such Official Precise Plan by (1) the reclassification of such properties, or (2) the granting of variances, provided such variance or variances shall conform in their purpose and effect to carrying out the provisions of such Official Precise Plan. Variance applications initiated under this item shall require no filing fee.

Parking Space

2. Every main building hereafter erected or structurally altered shall be provided with minimum off-street parking accommodations as follows:
 - a. For dwellings, there shall be at least one parking space on the same lot with the main building for each dwelling unit and such parking space shall be not less than eight (8) feet wide by eighteen (18) feet long, with adequate provisions for ingress and egress.
 - b. For buildings other than dwellings, there shall be at least one parking space of two hundred and fifty (250) square feet on the same lot with the main building or contiguous thereto as follows:
 - (1) For churches, high school, college and university auditoriums and other places of assembly, at least one (1) parking space for every ten (10) seats provided in said buildings.
 - (2) For hospitals and institutions at least one (1) parking space for every two (2) beds provided in said buildings.
 - (3) For hotels and clubs, at least one (1) parking space for every three (3) guest rooms, provided in said buildings.
 - (4) For theatres, auditoriums and other similar places of assembly, at least one (1) parking space for every five (5) seats provided in said building.

- c. If garages are employed on the same building site, the car capacity thereof shall not exceed twice the number of required parking spaces.
- d. In the "P-0" Zone, off-street parking, in addition to that required hereinabove, shall be provided as follows: (Added by Ord. No 650, effective 3-27-58.)
 - (1) For apothecaries, clinics, laboratories, mortuaries, offices, and optician and optometric establishments, off-street parking shall be provided as follows:
 - (a) If the gross floor area occupied in the same structure by one or more of the above uses is seven thousand five hundred (7,500) square feet or less, an off-street parking area shall be provided which is equal to one-half ($1/2$) of the gross floor area occupied by the use or uses in the structure.
 - (b) If the gross floor area occupied in the same structure by one or more of the above uses is between seven thousand five hundred and one (7,501) square feet and eleven thousand (11,000) square feet, inclusive, an off-street parking area shall be provided which is equal to three-fourths ($3/4$) of the gross floor area occupied by the use or uses in the structure;
 - (c) If the gross floor area occupied in the same structure by one or more of the above uses is more than eleven thousand (11,000) square feet, an off-street parking area shall be provided which is equal to the gross floor area occupied by the use or uses in the structure.
 - (2) An off-street parking area shall be provided for a museum which is equal to one-half ($1/2$) the gross floor area occupied by the museum in a structure or structures.

(3) For police stations, fire stations, post offices and telephone exchanges, there shall be one (1) parking space of two hundred and fifty (250) square feet for each three (3) employees regularly present at work at the same time, but in no event shall the off-street parking area be less than one-fourth (1/4) of the gross floor area occupied by the use in a structure or structures.

e. Except for those uses already covered by subparagraphs (a) through (c) above, in the "O" Zone, off-street parking for the allowable uses specified in Section 8.05, "O" Recreation Zone, shall be provided as follows: (Added by Ord. No. 731, effective 10-13-60.)

(1) If the gross floor area occupied in the same structure by one or more of the above uses is seven thousand five hundred (7,500) square feet or less, an off-street parking area shall be provided which is equal to one-half (1/2) of the gross floor area occupied by the use or uses in the structure;

(2) If the gross floor area occupied in the same structure by one or more of the above uses is between seven thousand five hundred and one (7,501) square feet and eleven thousand (11,000) square feet, inclusive, an off-street parking area shall be provided which is equal to three-fourths (3/4) of the gross floor area occupied by the use or uses in the structure;

(3) If the gross floor area occupied in the same structure by one or more of the above uses is more than eleven thousand (11,000) square feet, an off-street parking area shall be provided which is equal to the gross floor area occupied by the use or uses in the structure;

(4) For police stations, telephone exchanges, electric distribution substations, fire stations and post offices, there shall be one (1) parking space of two hundred and fifty (250) square feet for each three (3) employees regularly present at work at the same time, but in no event shall the off-street parking area be less than one-fourth (1/4)

of the gross floor area occupied by the use in a structure or structures.

Loading Space

3. Every hospital, institution, hotel, commercial, industrial or other building hereafter erected or structurally altered which involves the receipt or delivery by vehicles of merchandise or materials shall have one (1) loading space for each two thousand (2,000) square feet of lot area upon which said building is located; provided, however, that not more than two (2) such spaces shall be required, unless the building on such lot has a gross floor area of forty thousand (40,000) square feet, in which case there shall be one additional loading space for each additional twenty thousand (20,000) square feet in excess of forty thousand (40,000) square feet or fraction thereof above five thousand (5,000) square feet, where such loading space adjoins an alley.

Nonconforming Building and Uses

4.
 - a. If, on the effective date of this Ordinance, a temporary one family dwelling shall exist on the rear half of a lot, a one family dwelling may be erected and maintained on the front portion of the same lot in the manner provided herein, whereupon the said dwelling on the rear half of the lot shall assume the status of a nonconforming use as defined herein, subject to paragraph c under "Nonconforming Buildings and Uses" of this Section.
 - b. A nonconforming building may be continued provided no additions or enlargements are made thereto and no structural alterations are made therein, except those required by law or ordinance. If such nonconforming building is removed, every future use of such premises shall be in conformity with the provisions of this Ordinance. However, in the C-3, M-1 and M-2 Zones, every nonconforming building which was designed or intended for a use permitted in the R-3 Zone shall be subject to the following additional provisions:
 - (1) Additions, enlargements and structural alterations to such nonconforming buildings may be permitted provided that any addition, enlargement or alteration shall not result in the addition of any new dwelling units.

- (2) If such nonconforming building is removed or destroyed, it may be replaced with a new nonconforming building of similar use and intensity if a Use Permit is secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this Ordinance. (Amended by Ord. No. 2480, effective 7-1-82; amended by Ord. No. 2714, effective 7-17-86.)
- c. The nonconforming use of a building existing at the time this Ordinance became effective may be continue provided:
- (1) That a nonconforming use of a nonconforming building be expanded or extended throughout such building provided no structural alterations except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of a nonconforming building may be changed to another use of the same or more restricted classification.
 - (2) That a nonconforming use of a conforming building shall not be expanded or extended into any other portion of the conforming building, and if such nonconforming use is discontinued, any future use of such building shall be in conformity with the provisions of this Ordinance; provided, however, that all nonconforming uses of a conforming building shall be discontinued not later than three (3) years from the effective date of this Ordinance.
 - (3) That in all "R" Zones every nonconforming building which was designed, or intended for a use excluded from the "R" Zone shall be completely removed, or altered and converted within a time prescribed by the County Planning Commission and approved by the Board of Supervisors in the manner provided for the consideration of variances and provided that such time shall in no case be less than ten (10) years following the approval of such date by the Board of Supervisors and, provided further, that it shall be the purpose of the County Planning Commission and the Board of Supervisors to determine as

near as may be the reasonable unamortized value of such nonconforming building and allowance of not more than two and one-half (2-1/2) percentum per annum of the original cost shall be made in determining the date by which said nonconforming building shall be removed or altered and converted to a conforming status.

(4) That, subject to all other regulations of this Section, a building destroyed to the extent of not more than seventy-five (75) percent of its reasonable value by fire, explosion or other casualty, or ACT OF GOD, or the public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction, may be continued.

(5) All nonconforming above ground bulk storage of flammable liquids shall be discontinued, removed or placed underground within five (5) years of the effective date of this Ordinance, or within a period to be set by the Planning Commission according to the actual unamortized economic value of such use, whichever is later, provided that the Planning Commission may establish such a period only after application, including payment of the required fee, notice and hearing as in the case of an application for a variance. Any amortization period set by the Planning Commission may be appealed to the Board of Supervisors within the time and in the manner provided for appeal of a variance. Nothing contained herein shall be construed as in any way restricting the County, any public agency or any person from enjoining or abating any immediate hazard to persons or property in connection with the aboveground storage of flammable liquids. (Added by Ord. No. 1557, effective 4-12-73.)

c.1 The nonconforming use of land where no structure thereon is employed therefore existing at the time this Ordinance became effective may be continued for a period of not more than three (3) years therefrom, provided:

- (1) That no nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
- (2) That if the nonconforming use of land existing at the time this Ordinance became effective is thereafter discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.
- (3) That the lawful location and maintenance of commercial signs and billboards existing at the time this Ordinance became effective may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto and provided further, that all such nonconforming signs and billboards and their supporting members shall be completely removed by their owners not later than five (5) years from the effective date of this Ordinance. (Amended by Ord. No. 1195, effective 2-2-68.)

- d. The foregoing provisions shall apply also to buildings, land and uses which hereafter become nonconforming due to any reclassification of zones under this Ordinance.
- e. (Amended by Ord. No. 762, effective 4-27-61; repealed by Ord. No. 2453, effective 12-24-81.)

Improvements

5. a. Used car sales areas:

All used car sales areas herein permitted shall be treated to keep dust and mud to a minimum. (Added by Ord. No. 2453, effective 12-24-81.)

- b. Off-street parking areas:

All off-street parking areas herein permitted shall be improved as follows: (Added by Ord. No. 2453, effective 12-24-81.)

- (1) Such parking area shall be paved and a solid fence or wall, six (6) feet high, shall be constructed along each boundary of such area abutting upon property classified in the R-A, R-O, R-1, R-2 or R-3 Zones; provided, however, that said

wall or fence shall be four (4) feet high along the side of the required front yard in said zones.

- (2) Any lights provided to illuminate such parking area shall be so arranged as to reflect the light away from adjoining premises.

c. Mobilehomes:

All mobilehomes herein permitted which are placed or relocated upon a lot or parcel after December 24, 1981, shall have the perimeter of the space between the ground and the undercarriage of the mobilehome structure enclosed by construction materials approved pursuant to the Uniform Building Code as adopted by the Tulare County Ordinance Code. Such requirement shall also be applicable to a mobilehome which is to be placed on a foundation system pursuant to Section 18551 of the Health and Safety Code of the State of California. (Added by Ord. No. 2453, effective 12-24-81.)

d. Recreational Facilities:

Recreational facilities, including but not limited to recreational centers, recreational areas, accessory facilities or improvements, may be required in conjunction with new residential development if the decision-making body finds that the residential development will result in overall residential densities (average lot area per family), which exceed the maximum density permitted in the applicable residential zoning district. The land area required for any recreational facilities required under this subparagraph shall not exceed ten (10) percent of the gross acreage of the proposed residential development. For purposes of this paragraph, "residential development" also means a mobilehome development or a mobilehome park. (Added by Ord. No. 2480, effective 7-1-82.)

Accessory
Buildings and
Structures

6. (Added by Ord. No. 2538, effective 6-6-83.)

- a. In all zoning districts, private noncommercial radio and television antennas and towers are permitted as accessory structures, unless a Special Use Permit is required under Section 16 of this Ordinance.

- b. In all zoning districts, satellite television antennas are permitted as accessory structures whether or not on the same site as a main building. In accordance with the height and yard area regulations set forth in the applicable zone and this section, unless a Special Use Permit is required under this Section and Section 16 of this ordinance.

Second Units

- c. Second units which are not otherwise allowed by this ordinance, may be permitted in all residential zones (R-A, R-O, R-1, R-2 and R-3) only if a use permit is first secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this ordinance. Such second units shall comply with the following regulations: (Paragraph c added by Ord. No. 2562, effective 9-22-83.)
 - (1) The second unit shall be clearly a subordinate part of a one family dwelling. The second unit shall not be more than thirty (30) percent of the total floor area of the one family dwelling, provided that it shall have at least three hundred (300) square feet of floor area.
 - (2) The lot or parcel shall contain an area of six thousand (6,000) square feet or more.
 - (3) No more than one (1) second unit may be attached to or created within a one family dwelling on the same lot or parcel as the one family dwelling.
 - (4) The second unit shall not be sold as a separate unit.
 - (5) The owner or owners of the lot or parcel upon which the second unit is created shall occupy at least one (1) of the dwelling units on the premises, except for bonafide temporary absences.
 - (6) The total number of persons that may reside in both the one family dwelling and the second unit shall not exceed the number allowed for a one family dwelling under the provisions of this ordinance.

- (7) Off-street parking spaces shall be provided for each dwelling unit in accordance with subparagraph a of paragraph 2 of this subsection.
- (8) The second unit shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one family dwelling. Any new entrances shall be located so that there is only one external entrance to the main building facing the same street.
- (9) If an increase in floor area is involved, it shall not exceed ten (10) percent of the floor area of the original building.
- (10) Any exterior alterations to the original one family dwelling shall be kept to a minimum. No exterior change shall be permitted which in the judgment of the decision-making body does not conform to the residential character of the neighborhood.
- (11) If the second unit is an expansion of the one family dwelling, it shall comply with all the applicable height, yard and coverage regulations for the zone in which located and the applicable provisions of this section.
- (12) The design and construction of the second unit shall conform to all applicable standards in the building, plumbing and electrical codes as adopted pursuant to Chapter 4 of Part VII of the Ordinance Code of Tulare County.
- (13) The second unit shall be constructed and maintained in accordance with all State and County health regulations.
- (14) If the second unit is to be served by a sanitary sewer system or domestic water system, the governing board controlling the sewer and/or water system shall submit a letter to the decision-making body indicating the ability of the system to provide service to the second unit.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that the second unit will not, under the circumstances or the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood or the general welfare of the County.

Home Occupations

7. (Added by Ord. No. 2523, effective 3-31-83.)

Permitted Home Occupations

a. In all residential and agricultural zones, home occupations in compliance with the following regulations are permitted as accessory uses and no special use permit shall be required in order to establish and maintain such uses:

- (1) A home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
- (2) There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling.
- (3) There shall be no display of products visible in any manner from the outside of the dwelling.
- (4) There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
- (5) No advertising display signs shall be permitted.
- (6) No one other than residents of the dwelling shall be employed in the conduct of a home occupation.
- (7) The use shall not generate additional pedestrian or vehicular traffic.
- (8) The use shall not require additional off-street parking spaces for clients or customers of the home occupation.

- (9) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
- (10) The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one (1) vehicle not to exceed three-quarters (3/4) ton owned by the resident of dwelling, which shall be parked in an adequate off-street parking area.
- (11) No motor power other than electrical operated motor shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than one (1) H.P.
- (12) No equipment or process shall be used which creates noise, vibration, glare, fumes or odor detectable to the normal senses off the property.
- (13) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or cause fluctuations in line voltage off the premises.
- (14) No commercial telephone directory listing, newspaper, radio, or television service shall be used to advertise the location of a home occupation to the general public.

Urban Home
Occupations

- b. Urban Home Occupations which do not comply with the regulations set forth in subparagraph a of this paragraph may be permitted in all residential zones (R-A, R-O, R-1, R-2 and R-3) only if a use permit is first secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this Ordinance. Such Urban Home Occupations shall comply with the following regulations:

- (1) An urban home occupation shall be conducted within a dwelling and/or accessory building and shall be clearly incidental to the use of the structure as a dwelling.
- (2) There shall be no storage of equipment, vehicles or supplies associated with the home occupation outside the dwelling or accessory building.
- (3) Unless otherwise determined by the decision-making body, there shall be no sales of products or services not produced on the premises.
- (4) There shall be no display of products visible in any manner from the outside of the dwelling.
- (5) There shall be no visible evidence of the conduct of an urban home occupation other than one (1) non-illuminated name plate not to exceed two (2) square feet in area mounted flat against the dwelling.
- (6) No one other than residents of the dwelling shall be employed in the conduct of an urban home occupation.
- (7) The use shall not generate additional or pedestrian vehicular traffic beyond that normal to the district in which it is located.
- (8) The use shall not require more than two (2) additional off-street parking spaces for clients or customers of the urban home occupation.
- (9) No urban home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
- (10) The home occupation shall not involve the use of commercial vehicles with six (6) wheels or more for delivery of materials to or from the premises.

- (11) No home occupation shall be conducted between the hours of 10:00 p.m. and 8:00 a.m.
- (12) No motor power other than electrical operated motors shall be used in connection with an urban home occupation.
- (13) No equipment or process shall be used in an urban home occupation which creates excessive noise, vibration, glare, fumes or odor detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.
- (14) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this Ordinance. Additional requirements or conditions may be added as deemed necessary to assure that the urban home occupation will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Rural Home Occupations

- c. Rural Home Occupations which do not comply with the regulations set forth in subparagraph a of this paragraph may be permitted in all agricultural zones (AE, AE-10, AE-20, AE-40, AE-80, A-1 and AF) and any R-A, Rural Residential Zone which is restricted to a minimum lot size of forty-three thousand (43,000) square feet or more pursuant to Section 14.5 of this ordinance, only if a use permit is first secured pursuant to the procedures referred to in paragraph B of Part II of Section 16 of this ordinance. Rural Home Occupations shall comply with the following regulations:

- (1) A rural home occupation shall be clearly incidental and secondary to the use of the site for dwelling and agricultural purposes and shall not change the

residential and agricultural character thereof.

- (2) A rural home occupation may be conducted within a dwelling and/or within an accessory building provided that all structures used shall be harmonious in appearance with the agricultural area.
- (3) Unless otherwise determined by the decision-making body, there shall be no sales or products or services not produced on the premises.
- (4) There shall be no external alterations of the appearance of the property, the dwelling or accessory building in which the rural home occupation is conducted which would reflect the existence of said home occupation, except that one (1) outdoor advertising display sign, limited to twenty (20) square feet of sign area shall be permitted.
- (5) A rural home occupation shall be limited in employment to residents of the property and not more than one (1) additional person.
- (6) No additional points of access to any street, road or highway shall be permitted, unless necessary to provide safe and proper access to the proposed use.
- (7) The use has not been found likely to become a nuisance by reason of odor, dust, smoke gas, vibrations, or may impose a hazard to health or property.

Modifications from the above regulations may be approved by the decision-making body in individual cases if the modification is in accordance with the purposes set forth in Section 1 of this ordinance. Additional requirements or conditions may be added as deemed necessary to assure that the rural home occupation will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County.

Temporary
Buildings and
Uses

8. No temporary building or use shall be permitted unless expressly permitted by the zone in which located, or unless a use permit or variance is approved for the temporary building or use in accordance with section 16 of this ordinance. (Added by Ord. No. 2692, effective 2-27-86.)

HEIGHT

B.

General

1. Except as hereinafter provided, no building shall be erected, reconstructed or structurally altered to exceed the height limit herein established for the zone in which building is located.

Exceptions

2.
 - a. One family dwelling in the thirty-five (35) foot height zones may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided. Such dwellings, however, shall not exceed three (3) stories in height.
 - b. In the thirty-five (35) foot height zones, public or semi-public buildings, schools, hospitals or institutions may be erected to a height not exceeding six (6) stories or seventy-five (75) feet when the required front, side and rear yards are increased an additional one (1) foot for each four (4) feet in height such buildings exceed thirty-five (35) feet.
 - c. On through lots one hundred and fifty (150) feet or less in depth, the height of a building may be measured from the adjoining sidewalk level on either street. On through lots more than one hundred and fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred and fifty (150) feet from that street.
 - d. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, required to operate and maintain the building, and fire or parapet walls, skylights, towers, roof signs; flagpoles, chimneys, smokestacks, wireless masts or similar structures may be erected above the height limits herein prescribed but no penthouses or roof structure, or any space above the height limits prescribed, shall be allowed for the purpose of providing additional floor space.

- e. Notwithstanding the provisions of subparagraph d, in the R-A, R-O, R-1 and R-2 Zones, satellite television antennas mounted on buildings shall not exceed the height limit established for the zone in which the structure is located. In all other zones, such satellite television antennas may not extend more than ten (10) feet above the height limit established for the zone in which the structure is located. Exceptions to these height requirements may be approved in conjunction with the approval of a special use permit under Section 16 of this Ordinance. (Paragraph e added by Ord. No. 2538, effective 6-6-83.)

AREA

C.

General

1. a. Except as hereinafter provided.
 - (1) No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this Ordinance, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.
 - (2) No yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; provided, further that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
 - (3) Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) main building and its accessory buildings on one (1) lot except as hereinafter provided.
 - (4) Through lots one hundred and forty (140) feet or more in depth may be improved as two (2) separate lots with the dividing line midway between the street frontages, and each such resulting half shall be subject to the controls applying to the street upon which each such half faces, except that the required maximum front and rear yards may be each reduced to ten (10) feet

for lots the total depth of which is less than one-hundred and sixty (160) feet, and provided that if the whole of such through lot is improved as one building site no accessory building shall be located closer to either street than the distance constituting the required front yard on such street.

- (5) Every lot and every parcel of land at the time it was first zoned shall be deemed to be one (1) lot, and not more than one (1) main building shall be permitted on said parcel or lot unless all regulations herein established are complied with, provided that if a parcel or lot in any "R" Zone contains an area of fourteen thousand (14,000) square feet or more, but not more than two (2) acres, then for each seven thousand (7,000) square feet of area contained in such lot or parcel one (1) main building, or permitted group of buildings, may be erected and maintained subject to all of the provisions contained in the particular "R" Zone in which such property is located, provided further that the distance between separate buildings used for dwelling purposes erected and maintained on such premises shall be not less than twice the depth of the side yard requirements in the particular "R" Zone in which such property is located and provided further that the distance shall never be less than eight (8) feet. If a parcel or lot at the time it is first zoned contains an area of ten thousand (10,000) square feet or more but less than fourteen thousand (14,000) square feet, each full five thousand (5,000) square feet may be used as a separate lot subject to all other provisions pertaining to "R-1" Zone. (Amended by Ord. No. 481, effective 11-29-51.)
- (6) Every required front, side or rear yard shall be open and unobstructed from the ground to the sky.
- (7) The Planning Commission may, by resolution, adopt a formula or establish

standard practices by which to determine an appropriate and practical modification or required front, side and rear yard depth in all residential zones where geometric shape and dimensions and topography are such as to make the literal application of such required yard depths impractical. After the adoption of such formula or standard practices and the approval thereof by the Board of Supervisors, they shall be applied as an administrative act. (Added by Ord. No. 481, effective 11-29-51.)

b. Where two-family dwellings or multiple-family dwellings not exceeding two and one-half (2-1/2) stories in height are arranged so as to rear upon the side yards, the following regulations shall apply:

- (1) In the case of group houses or court apartments, such required side yards shall be increased by one (1) foot for each entrance or exit opening into or served by such side yard, as required in this provision. Open, unenclosed porches not extending above the level of the first floor may project into the required width of such place or court a distance of not more than twenty (20) percent and in no case more than six (6) feet.
- (2) In the case of a row of dwellings arranged so as to rear upon one side yard and front upon the other, the side yard upon which such dwellings rear shall be increased as required above the group houses and the average width of the side yard upon which such dwellings front shall be not less than one and one-half (1-1/2) times the width of the other side yard. Open, unenclosed porches not extending above the level of the first floor may project into the side yard upon which such dwellings front a distance of not more than twenty (20) percent and in no case more six (6) feet.
- (3) Where a roadway is provided in the place or court, the width allowed for such roadway shall be in addition to that required above.

(4) All other requirements, including front, side and rear yards shall be complied with the accordance with the zone in which such group houses or court apartments are located.

- c. In the "R" Zones no building shall be hereafter erected, structurally altered or used for a school, church, hospital, institution or other similar use permitted under the use regulations of this Ordinance, unless such buildings are removed at least twenty-five (25) feet from every boundary line of a property included in any "R" Zone, and provided that no front yard, as required in the zone, nor any side yard, as required above, shall be used for play or parking purposes.

Exceptions

2. a. For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building, occupying one (1) lot; two-, three- and four-family dwellings and row houses not more than two (2) rooms deep.
- b. In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half (1/2) of such alley may be assumed to be a portion of the rear yard.
- c. Loading spaces as herein required may occupy not more than fifty (50) percent of a required rear yard.
- d. The front and side yard requirements for dwellings and apartments shall be waived where the latter are erected above stores.
- e. Accessory buildings may occupy not more than twenty-five (25) percent of a required rear yard, provided such building is not more than one (1) story in height and located at least fifteen (15) feet from the nearest part of a main building. Further, no two (2) story accessory building shall occupy any part of a required rear yard, and in the case of a reversed frontage, no accessory building shall be erected closer than five (5) feet to the line of abutting lot to the rear.
- f. In any case where a through lot has a depth of not more than one hundred and forty (140) feet, accessory buildings not exceeding one (1) story nor fifteen (15) feet in height,

may be located in one of the required front yards; provided every portion of such building is at least ten (10) feet from the nearest front lot line.

- g. A porte cochere may be placed over a driveway in a side yard, provided such structure is not more than one (1) story in height, is unenclosed on at least three (3) sides and is entirely open except for the necessary supporting columns and reasonable architectural features.
- h. Cornices, eaves, belt courses, sills, buttresses, or similar architectural features not providing additional floor space within the building, and chimneys and fireplaces not exceeding eight (8) feet in width, may extend or project into a required side yard or space between structures not more than two (2) feet and may extend or project into a required front or rear yard not more than six (6) feet, provided that such features are not closer than three (3) feet to any side or rear lot line. No building, structure, or portion thereof may extend into a public utility easement. (Amended by Ord. No. 2516, effective 1-27-83.)
- i. (Unused)
- j. Fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.
- k. Open, unenclosed stairways, or balconies not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet and such balconies and canopies may extend into a required front yard not more than thirty (30) inches.
- l. Uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into any front, side or rear yard not more than six (6) feet; provided, however, that an open work railing, not more than thirty (30) inches in height may be installed or constructed on any such porch, platform or landing place.
- m. Fences, hedges, landscape architectural features or guard railings for safety protection around depressed ramps, not more than three and one-half (3-1/2) feet in height,

may be located in any front, side or rear yard. (Amended by Ord. No. 635, effective 10-24-57.)

- n. A fence or wall not more than six (6) feet in height, or a hedge maintained so as not to exceed six (6) feet in height may be located along the side or rear lot lines, provided such fence, wall or hedge does not extend into the required front yard nor into the side yard required along the side street on a corner lot, which in this case shall also include that portion of the rear yard abutting the intersecting street wherein accessory buildings are prohibited, and provided further, that the provision shall not be so interpreted as to prohibit the erection of a fence enclosing an elementary or high school site if such fence does not project beyond the front line of the building.
- o. Trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard.
- p. Ground-mounted satellite television antennas shall be permitted in any required rear yard provided such structures are located at least five (5) feet from the nearest part of the main building on the same lot and at least five (5) feet from any rear or side property line. However, in the case of a reversed frontage on a corner lot, no ground-mounted satellite television antenna shall be located closer to the street than a distance equal to fifty (50) percent of the front yard required on the lots in the rear of such corner lot. (Added by Ord. No. 2538, effective 6-16-83.)

AGRICULTURAL ZONES

D.

Determination of Acreage

- 1. Various provisions of the agricultural zones established in this Ordinance refer to acreages of 160, 80, 40, 20, 10, 5, 2-1/12, and 1 acres. Except as otherwise expressly provided in this Ordinance, the provisions of this subsection shall be applied when making determinations of the number of acres in a particular parcel of property. (Subsection D.1 relocated from Section 2.5 by Ord. No. 2751, effective 2-1-87.)
 - a. When computing the acreage of a parcel of property, any portion of the parcel which is

subject to an easement or right-of-way for road, ditch, public utility or railroad purposes shall not be excluded from the parcel.

- b. Because of discrepancies arising from the original land surveys made in the State, many sections and portions of sections contain less than the standard acreage. Since landowners tend to divide sections of land for sale in sequences of halves and/or quarters, many parcels of property have less than the standard number of acres for such a portion of a section. When the following acreage figures are used, they are intended to refer to the following portion of a section:

160 acres refers to $1/4$ of a section.

80 acres refers to $1/2$ of $1/4$ of a section.

40 acres refers to $1/4$ of $1/4$ of a section.

20 acres refers to $1/2$ of $1/4$ of $1/4$ of a section.

10 acres refers to $1/4$ of $1/4$ of $1/4$ of a section.

5 acres refers to $1/2$ of $1/4$ of $1/4$ of $1/4$ of a section.

$2-1/2$ acres refers to $1/2$ of $1/2$ of $1/4$ of $1/4$ of $1/4$ of a section.

In computing the number of acres in a parcel, if it is the result of a regular breakdown of land of a type described above, it shall be deemed to have the full acreage set forth above even though it may contain fewer acres because of a discrepancy of some type in surveying. The provisions of this paragraph do not apply to an acreage requirement of one acre, and the term "one acre" as used in this Ordinance shall mean a full acre, subject, however, to the other paragraphs of this subsection. Nothing in this paragraph shall be deemed to require acreage in excess of the number of acres specified in this Ordinance even though the regular breakdown of land described above results in parcels which are larger than 160, 80, 40, 20, 10, 5, or $2-1/2$ acres.

- c. The provisions of this paragraph are applicable only in the case of sale of a portion of a parcel of property under a single ownership to the United States or any agency of the United States, to the State or any political subdivision of the State having the power to condemn the property, and in the case of sale of property to a corporation or other entity having the power to condemn the property, such as a public utility or a railroad, or a condemnation by any of the aforementioned entities.

When a portion of a parcel of property has been sold to a governmental or private entity of the type described above which had the power to condemn the property, or if such property was actually condemned, the property owner who sold such property or had it taken through condemnation shall be deemed to still own the property which was sold or condemned for the purpose of computing the acreage in his remaining contiguous property and for the purpose of dividing such remaining contiguous property into smaller parcels. However, if the amount sold or condemned exceeds ten percent (10%) of the acreage in the remaining parcel, any such amount in excess of ten percent (10%) shall not be deemed to still be owned. The aforementioned ten percent (10%) credit or allowance shall also be applicable to any subsequent person who acquired all of such remaining property from the person who sold said parcel or had it taken through condemnation. Any person who has acquired only a portion of such remaining property, after such a sale or condemnation, shall only have the benefit of such a credit or allowance if his property is contiguous to the property which was taken through condemnation or sold in lieu of condemnation and then only to the maximum extent of ten percent (10%) of the acreage in his property.

The provisions of this paragraph do not apply to an acreage requirement of one acre, and the term "one acre" as used in this Ordinance shall mean a full acre, subject, however, to the other paragraphs of this subsection.

**Division of Land
Exceptions:**

2. All agricultural zones established in this ordinance (AE, AE-10, AE-20, AE-40, AE-80, A-1 and AF) provide that no real property shown on the latest County tax role as a unit or as contiguous units and which is owned by the same person or persons may be divided for any purpose if any one (1) lot or parcel resulting from the division of land contains less than a certain minimum acreage requirement, the amount of which is specified in each agricultural zone. Unless otherwise provided in this ordinance, the following transactions shall not be subject to the minimum acreage requirement established in agricultural zones (Subsection D.2 added by Ord. No. 2751, effective 2-1-87):
 - a. Any conveyance made or required by court decree and intestate or testamentary dispositions of land.
 - b. Any conveyance to the State of California, any city or county, any political subdivision of the State of California, or any public utility subject to regulation by the State Public Utilities Commission. However, this exception does not apply to conveyances to any of said entities, including the State Department of Veterans Affairs, which are financing transactions.
 - c. Any conveyance of easements or oil, gas and mineral rights.
 - d. If a portion of a parcel of property is separated from the main portion of the property by a river, railroad, improved public road or a canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width, said portion of the parcel may be conveyed as a single unit even though it contains less than the minimum acreage required in the agricultural zone in which the property is located. This paragraph shall not be applicable to property located in the AF, Foothill Agricultural Zone.
 - e. If a person desires to convey a portion of his/her property to the owner of property contiguous to the property to be conveyed, he/she may do so even though the parcel being conveyed contains less than the minimum acreage required in the agricultural zone in which the property is located. However, the parcel being retained shall

contain at least the minimum acreage required in the agricultural zone unless the transaction comes within one of the following provisions:

- (1) The conveyance to the contiguous owner is to convey property on which improvements, including growing improvements, owned by the contiguous owner have been constructed or planted in error.
 - (2) The conveyance to the contiguous owner is to convey property to provide necessary yard areas as required for the zone in which the property is located.
 - (3) If there is a residence or mobilehome on the property to be retained by the person making conveyance, he/she may retain the residence or mobilehome on a parcel at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, and convey the remainder of the property to the contiguous owner. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose.
- f. If a person desires to construct a residence on his/her property for use in compliance with the provisions of the agricultural zone in which the property is located, one (1) parcel of at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, may be divided for the purpose of financing a residence. Once a person has divided one (1) parcel from his/her property pursuant to this paragraph, he/she may not at any time thereafter cause a second parcel to be divided from the property pursuant to this paragraph. However, if a person who has created one (1) parcel pursuant to this paragraph, conveys all or part of his/her property, his/her successors in interest shall also have the right to create one (1) parcel pursuant to this paragraph if they meet all of the requirements of this paragraph.

- g. If a person desires to sell his/her property but wishes to retain a parcel of land containing a residence or mobilehome which has been established in accordance with all applicable building and zoning regulations and which has existed on that property for at least three (3) years, one (1) parcel of at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, may be divided for this purpose. However, the provisions of this paragraph shall not be applicable if the lot or parcel being divided contains less than the minimum acreage required in the agricultural zone in which the property is located. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose.
- h. If a person decides to sell a residence or mobilehome which has existed on the property for at least ten (10) years, and retain the balance of the property, a parcel of at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size may be divided for this purpose. If there is more than one such residence or mobilehome on the property, there may be more than one division of land pursuant to this paragraph. However, the provisions of this paragraph shall not be applicable if the lot or parcel being divided contains less than the minimum acreage required in the agricultural zone in which the property is located. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose.
- i. The following transactions do not conform to the minimum acreage required in the agricultural zone in which the property is located, but they do have the following special temporary status:
 - (1) A person owning two (2) or more contiguous parcels, lots or units shown on a final subdivision or parcel map recorded in the office of the Tulare County Recorder shall have the right to convey, lease or finance one or more of such parcels, lots or units, and to secure permits to develop any of such

parcels, lots or units although the individual parcels, lots or units contain less than the minimum acreage required in the agricultural zone, unless and until the circumstances stated in subparagraph (4) below occur.

- (2) A person owning two (2) or more contiguous parcels, lots or units shown on a parcel map, when the recordation of a final parcel map has been waived, or two (2) or more contiguous parcels, lots or units in an approved lot split map under the former County ordinance establishing lot split procedures which did not authorize recordation of a final map, shall also have the rights set forth in subparagraph (1) above, unless and until the circumstances stated in subparagraph (4) below occur.
- (3) A person owning property who has filed with the Building and Planning Director a tentative subdivision or parcel map which contains parcels, lots or units of a size that conforms to the existing zoning, but do not conform to the minimum acreage required in the agricultural zone in which the property is located, and said filing is made before the agricultural zone becomes applicable to the property being divided, shall have the right to have said map processed after the agricultural zone becomes effective and shall have the right to convey, lease or finance one or more parcels, lots or units and to secure permits to develop such parcels, lots or units, after the agricultural zoning becomes effective, even though the parcels, lots or units contain less than the minimum acreage required in the agricultural zone, unless and until the circumstances stated in subparagraph (4) below occur.
- (4) Under sections 7121-7121.7 of the Tulare County Ordinance Code, the Board of Supervisors has the power, after a public hearing, to merge existing parcels, lots or units in subdivisions, parcel maps and lot splits. If such merger occurs with regard to property described in subparagraphs (1) through (3) above, all of the contiguous parcels, lots or units under a single

ownership shall merge and thereafter no parcels, lots or units may be conveyed, leased or financed until a new subdivision or parcel map has been approved when required by State law or the Tulare County Ordinance Code, and no permits for development may be issued except in conformity with the requirements of the agricultural zone in which the property is located.

- (5) Two (2) or more contiguous parcels, lots or units of the type described in subparagraphs (1) through (3) above shall not have the special temporary status described in subparagraphs (1) through (3) above if: (a) the parcels, lots or units lie outside of the Urban Area Boundary as designated by the General Plan; (b) the parcel, lot or unit to be conveyed, leased or financed is less than ten (10) acres or the total property to be retained is less than ten (10) acres or, in the case of AE and A-1 zoning only, the parcel, lot or unit to be conveyed, leased or financed is less than five (5) acres or the total property to be retained is less than five (5) acres; (c) the parcel, lot or unit to be conveyed was created prior to February 3, 1959; and (d) in the case of A-1 zoning only, the parcels, lots, or units to be conveyed lie west of the eastern boundary of the Foothill Region, as delineated in the Foothill Growth Management Plan, said boundary to include the northern boundary of the Three Rivers Planning Area, as delineated in the Three Rivers Community Plan. Therefore, none of such parcels, lots or units may be conveyed, leased or financed under this paragraph i.
- j. If a person desires to transfer a parcel of real property, made voluntarily and without any consideration, and retain the balance of the property, one (1) or more parcels of twelve thousand five hundred (12,500) square feet or more may be divided for this purpose. No tentative map may be approved for such division of land unless the decision-making body finds, based upon substantial evidence in the record, that there is no intent to divide the property for purpose of sale, now or in the future. This paragraph

shall not be applicable if any portion of the property is located within an Urban Area Boundary, adopted pursuant to the Urban Boundaries Element of the General Plan.

**Division of Land
Exceptions in AF
Zone:**

3. In addition to the division of a land exceptions set forth in Subsection D.2 of this section, the following transactions shall not be subject to the minimum acreage requirement in the AF, Foothill Agricultural Zone (Subsection D.3 added by Ord. No. 2751, effective 2-1-87):
 - a. If a portion of a parcel of property is separated from the main portion of the property by a continuously flowing stream, railroad, improved public road or a manmade canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width, said portion of the parcel may be conveyed as a single unit even though it or the remainder contains less than one-hundred and sixty (160) acres.
 - b. If a person desires to convey property containing perennial agricultural crops such as fruit and nut trees and vines, and said crops have continuously existed on the property for at least five (5) years, a parcel of twenty (20) acres or more may be divided for this purpose. However, if that portion of the property containing said perennial agricultural crops is less than twenty (20) acres but greater than five (5) acres, the portion of the property containing said crops may be conveyed as a single unit. There may be more than one division of land pursuant to this paragraph.
 - c. If a person owning agricultural land desires to lease a portion of his/her property for agricultural purposes, he/she may do so even though the parcel to be leased, or the remainder, contains less than one-hundred sixty (160) acres. However, the existence of such a lease shall not constitute a basis for approval of a division of land for any other purpose except as provided in this subsection and subsection D.2 of this section. As used in this paragraph, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock. There may be more than one division of land pursuant to this paragraph.

SECTION 16: VARIANCES AND SPECIAL USE PERMITS
(Amended by Ord. No. 810, effective 1-11-62;
Title amended by Ord. No. 2719, effective 8-28-86)

(NOTE: The initial paragraph was repealed by
Ord. No. 2719, effective 8-28-86.)

VARIANCES

- I. (Part I was repealed and a new Part I added by Ord. No. 2719, effective 8-28-86.)
 - A. When practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Ordinance result through the strict and literal interpretation and enforcement of the provisions thereof, the Planning Commission of the County of Tulare, upon the receipt of a verified application from the owner of the property affected, stating fully the grounds for the application and the facts relied upon, or upon the motion of the said Commission, shall have authority, as an administrative act, to grant, upon such conditions and safeguards as it may determine, such variances from the provisions of this Ordinance as may be in harmony with its general purpose and intent, so that the spirit of this Ordinance shall be observed, public safety and welfare secured and substantial justice done.
 - B. All variances shall be granted or denied by the Planning Commission subject to a right of appeal to the Board of Supervisors in the manner provided in Section 18 of this Ordinance.

SPECIAL USE PERMITS

- II. A. The Planning Commission, upon receipt of a verified application from the owner of the property affected, stating fully the grounds for the application and the facts relied upon, or upon the motion of the said Commission, shall have authority, as an administrative act, to grant or deny Special Use Permits for the uses set forth in Subsection B of this Part. Such Special Use Permits shall be granted or denied by the Planning Commission subject to a right of appeal to the Board of Supervisors in the manner provided in Section 18 of this Ordinance. (Amended by Ord. No. 2179, effective 11-23-78; amended by Ord. No. 2719, effective 8-28-86.)

SPECIAL USES AND ZONES IN WHICH ALLOWABLE

- B. All of the following, and all structures and accessory uses directly related thereto, are declared to be special uses and permitted only in the various zones indicated below upon the granting of a Special Use Permit, and authority for the location and operation thereof shall be granted only under the provisions of Part II of

this section. This declaration is based upon the fact that all of the uses herein enumerated possess characteristics of unique and special forms so as to make impractical their being included automatically in any specific zone. (Uses repealed from use list by Ord. No. 703, effective 8-27-59 and Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86.)

Aircraft industries and service establishments

engaged in manufacturing, testing, repair or maintenance services to aircraft used solely for agricultural purposes where such industries and services are located with an airport and/or heliport - AE, AE-10, AE-20, AE-40, AE-80, A-1. (Added by Ord. No. 2388, effective 12-12-80; amended by Ord. No. 2754, effective 1-15-87.)

Airport - AE-20, AE-40, AE-80, A-1, AF, O, M-1, M-2, AP. However, no permit is required to locate an airport in the A-1 Zone in conformance with the Tulare County Airport Master Plan. (Amended by Ord. No. 422, effective 3-28-50; amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731; effective 10-13-60; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81.)

Airport, agricultural - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, O, M-1, M-2, AP. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81.)

Alcoholic beverages, sale of under an on-sale license - C-1, C-2, C-3, O, M-1. (Amended by Ord. No. 1382, effective 5-28-70; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86.)

Animal hospitals, large and small, or clinic and veterinarian office - AE, AE-10, AE-20, AE-40, AE-80, A-1, R-A, O, C-3, M-1, M-2. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective

8-12-76; amended by Ord. No. 2566, effective 9-29-83; amended by Ord. No. 2719, effective 8-28-86.)

Animal hospital, small or clinic and veterinarian office, - providing all operations are conducted within a completely enclosed soundproof structure - C-2, C-3. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 2719, effective 8-28-86.)

Animal sales yard - AE, AE-20, AE-40, AE-80, A-1, AF, M-2. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

Assemblage of people for educational or entertainment purposes in a building or open area not otherwise approved for assemblage under this Ordinance and including but not limited to auto shows, boat shows, art shows, exhibitions and auctions - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, C-1, C-2, C-3, M-1, M-2. Notwithstanding any other provision of this Part, a use permit for the assemblage of people may include approval of sales of alcoholic beverages under an on-sale license. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2566, effective 9-29-83; amended by Ord. No. 2719, effective 8-28-86.)

Automobile parking lots, public parking areas or storage garages on property adjacent to any "C" Zone (C-1, C-2 or C-3 Zones) - R-A, R-O, R-1, R-2, R-3. (Relocated from Part I.C and amended by Ord. No. 2719, effective 8-28-86.)

Automobile wrecking - C-3, M-1, M-2. Provided, however, that in the C-3 and M-1 Zones automobile wrecking shall be limited to only the dismantling, storage or sale of used motor vehicle parts and no outside storage or wrecking of car bodies or wrecked vehicles shall be allowed. (Added by Ord.

No. 2542, effective 7-7-83; amended by Ord. No. 2719, effective 8-28-86.)

Ball Park - A-1, AE, O, C-2, C-3, M-1, AP.
(Added by Ord. NO. 703, effective 8-27-59;
amended by Ord. No. 1585, effective 5-31-73;
amended by Ord. No. 2320, effective 4-3-80;
amended by Ord. No. 2719, effective
8-28-86.)

Biomass Fuel Manufacture, commercial - AE, AE-10,
AE-20, AE-40, AE-80, A-1, AF, M-1, M-2.
(Added by Ord. No. 2407, effective 3-26-81.)

Biomass Fuel Manufacture, personal - AE, A-1,
M-1, M-2. (Added by Ord. No. 2350,
effective 7-31-80.)

Borrow pit - AE, AE-10, AE-20, AE-40, AE-80, A-1,
AF, R-A, O, M-1, M-2, AP. Provided,
however, that no Use Permit shall be
required if a surface mining permit and/or
reclamation plan is required under the
provisions of section 7700 et. seq. of the
Ordinance Code of Tulare County. (Added by
Ord. No. 1169, effective 10-26-67; amended
by Ord. No. 1520, effective 8-31-72; amended
by Ord. No. 1946, effective 8-12-76; amended
by Ord. No. 2220, effective 3-29-79; amended
by Ord. No. 2320, effective 4-3-80; amended
by Ord. No. 2407, effective 3-26-81; amended
by Ord. No. 2719, effective 8-28-86.)

Bowling Alley - C-2, C-3, O, M-1. (Added by Ord.
No. 703, effective 8-27-59; amended by Ord.
No. 1539, effective 1-11-73; amended by Ord.
No. 1585, effective 5-31-73; amended by Ord.
No. 2719, effective 8-28-86.)

Cabaret, night club, dancing or entertainment in
a bar, cafe or restaurant - O, C-2, C-3,
M-1. (Added by Ord. No. 703, effective
8-27-59; amended by Ord. No. 731, effective
10-13-60; amended by Ord. No. 1539,
effective 1-11-73; amended by Ord. No. 2719,
effective 8-28-86.)

Campground - O, A-1, C-2, AE-10, AE-20, AE-40,
AE-80, AF. (Added by Ord. No. 1527,
effective 10-12-72; amended by Ord. No.
1946, effective 8-12-76; amended by Ord. No.
2407, effective 3-26-81.)

Carnival - A-1, C-2, C-3, M-1, M-2. (Amended by
Ord. No. 703, effective 8-27-59; amended by
Ord. No. 2719, effective 8-28-86.)

Cemetery, columbarium, mausoleum, crematory - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-3, AP. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81.)

Church - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2, R-3, O, C-1, C-2, C-3. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1169, effective 10-16-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407; effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Circus - A-1, AE, C-3, M-1, M-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86.)

Dairy - when more than 25 cows are on the property at any time - AE, AE-20, AE-40, AE-80, A-1, AF. (Added by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1526, effective 10-5-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

Dance hall - C-2, C-3, M-1, O. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86.)

Equestrian establishments such as academies, schools, and stables - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, O, M-1. (Added by Ord. No. 731, effective 10-13-60; amended by Ord. No. 967, effective 10-15-64; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407; effective 3-26-81.)

Expansion, Alteration or Replacement of non-conforming buildings and uses which were legally established in accordance with all applicable building and zoning regulations on or before the effective date of a

reclassification of zones encompassing the property and which are now nonconforming under Section 15, Subsection A, USE, paragraph 4, - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 2708, effective 5-30-86; amended by Ord. No. 2719, effective 8-28-86.)

Fairground - A-1, C-2, C-3, M-1, M-2. (Amended by Ord. No. 703, effective 8-27-59; amended by by Ord. No. 2719, effective 8-28-86.)

Fire Station - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 1311, effective 6-19-69; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Flammable liquids stored above ground for a period of forty-eight (48) hours or more in containers having an aggregate capacity in excess of two thousand (2,000) gallons per lot or parcel, or contiguous lots or parcels, in permanent, temporary or mobile containers, indoors or outdoors, whether intended for commercial or private use on or off the premises, and where stored as a primary, accessory or incidental use - A-1, AE-20, AE-40, AE-80, AF, C-3, M-1, M-2. Regardless of the foregoing, no permit is required to store flammable liquids in railroad tank cars when such tank cars are located on property under railroad company ownership. Also, regardless of the foregoing, a special use permit shall not be required for cargo tanks on vehicles used for highway transportation of flammable liquids even though they may be parked or stored at one location for a period in excess of forty-eight (48) hours because of vehicle repairs, acts of God or other reasons that make it impractical for the vehicle to deliver the flammable liquids within said forty-eight (48) hour period, so long as the owner of the vehicle or the load, or anyone acting on their behalf notifies the Building and Planning Director within said forty-eight (48) hour period of the location of the vehicle and the reason for the storage. The Building and Planning Director shall notify the County Fire Warden

of the location of such vehicles. (Added by Ord. No. 1557, effective 4-12-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Golf course - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, O, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81.)

Golf driving range - A-1, O, C-2, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2320, effective 4-3-80.)

Heliport - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, O, P-O, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Heliport, agricultural - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, O, M-2, AP. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81.)

Hospital, sanitarium and nursing home - A-1, R-A, R-3, P-O, C-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73.)

Jails or correctional institution - AE-20, AE-40, AE-80, A-1, AF, C-2, C-3, M-1, M-2. However, no permit is required to locate a jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan. (Added by Ord. No. 2430, effective 8-28-81; amended by Ord. No. 2719, effective 8-28-86.)

Kennels - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, O, C-2, C-3, M-1, M-2, AP. (Added by Ord. No. 2335, effective 6-5-80; amended by Ord. No. 2407, effective 3-26-81; amended

by Ord. No. 2566, effective 9-29-83; amended by Ord. No. 2719, effective 8-28-86.)

Labor camp, permanent - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-3, C-2. (Added by Ord. No. 1073, effective 6-16-66; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

Memorial building, theatre, auditorium, not including school auditorium - R-3, C-1, C-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 1-11-73.)

Miniature golf course - O, C-2, C-3, M-1. (Added by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 2719, effective 8-28-86.)

Mining or extraction of metals, minerals, oil, gas, or hydrocarbons, together with necessary buildings, apparatus, and appurtenances incidental thereto - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, C-3, M-1, M-2, AP. Provided, however, that no Use Permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of section 7700 et. seq. of the Ordinance Code of Tulare County. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-13-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2220, effective 3-29-79; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Mobilehome development - R-A, R-O, R-1, R-2, R-3. However, no special use permit shall be required if any of the aforementioned zones is combined with the M, Special Mobilehome Combining Zone as set forth in Section 14.3 of this Ordinance. (Added by Ord. No. 2480, effective 7-1-82.)

Mobilehome parks - R-A, R-O, R-1, R-2, R-3, O. (Added by Ord. No. 1149, effective 7-27-67; amended by Ord. No. 1539, effective 1-11-73;

amended by Ord. No. 1585, effective 5-31-73;
amended by Ord. No. 2480, effective 7-1-82.)

Motion picture studio - C-2, C-3. (Relocated
from Part I.D and amended by Ord. No. 2719,
effective 8-28-86.)

Nursery school - R-A, R-1, R-2, R-3, O, C-1, C-2.
(Added by Ord. No. 703, effective 8-27-59;
amended by Ord. No. 731, effective 10-13-60;
amended by Ord. No. 1539, effective 1-11-73;
amended by Ord. No. 1585, effective
5-31-73.)

Police station - AE, AE-10, AE-20, AE-40, AE-80,
A-1, AF, O, P-O, C-1, C-2, C-3, M-1, M-2,
AP. (Added by Ord. No. 1528, effective
10-12-72; amended by Ord. No. 1946,
effective 8-12-76; amended by Ord. No. 2320,
effective 4-3-80; amended by Ord. No. 2407,
effective 3-26-81; amended by Ord. No. 2719,
effective 8-28-86.)

Private club, lodge, fraternity, sorority,
excluding those the chief activity of which
is a service customarily carried on as a
business - R-A, R-3, O, C-1, C-2, C-3.
(Added by Ord. No. 703, effective 8-27-59;
amended by Ord. No. 731, effective 10-13-60;
amended by Ord. No. 1539, effective 1-11-73;
amended by Ord. No. 2719, effective
8-28-86.)

Public Park or playground - AE, AE-10, AE-20,
AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2,
R-3, O, C-1, C-2, AP. (Added by Ord. No.
703, effective 8-27-59; amended by Ord. No.
731, effective 10-13-60; amended by Ord. No.
1946, effective 8-12-76; amended by Ord. No.
2320, effective 4-3-80; amended by Ord. No.
2407, effective 3-26-81.)

Public utility structure - AE, AE-10, AE-20,
AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2,
R-3, P-O, P-1, O, C-1, C-2, C-3, AP. (Added
by Ord. No. 1169, effective 10-26-27; amend-
ed by Ord. No. 1520 effective 8-31-72;
amended by Ord. No. 1585, effective 5-31-83;
amended by Ord. No. 1946, effective 8-12-76;
amended by Ord. No. 2320, effective 4-3-80;
amended by Ord. No. 2407, effective 3-26-81;
amended by Ord. No. 2719, effective
8-28-86.)

Public Works Maintenance Facilities - AE, AE-10,
AE-20, AE-40, AE-80, A-1, AF, AP. (Added by

Ord. No. 1717, effective 5-7-74; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Race track, including drag track, quarter midget track, go-cart track, motorcycle track, automobile, horse, and other tracks, excepting school track - A-1, C-3, M-1, M-2, AP. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2719, effective 8-28-86.)

Radio, microwave and television towers - in excess of seventy-five (75) feet in height or within two miles of an airport or heliport - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, C-3, M-1, M-2. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Recreation center - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2, R-3, O, C-1, C-2, C-3. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Recreation Vehicle Park - O, A-1, C-2, AE-10, AE-20, AE-40, AE-80, AF. (Added by Ord. No. 2453, effective 12-24-81.)

Religious revival meeting - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, C-2, C-3, M-1, M-2. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31, 72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Rifle, pistol, shotgun, and archery clubs and ranges - A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, O. Regardless of the foregoing, no permit is required for rifle, pistol,

shotgun and archery ranges maintained for private use by residents residing on the property on which the range is located. Also, regardless of the foregoing, a special use permit shall not be required for indoor ranges which are customarily accessory and incidental to the conduct of an allowed use. (Added by Ord. No. 1602, effective 7-5-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

Rodeo ground or roping arena - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, O, M-1, M-2, AP. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2320, effective 4-3-80; amended by Ord. No. 2407, effective 3-26-81.)

Satellite television antennas with a reflector area exceeding one hundred twenty (120) square feet - R-A, R-O, R-1, R-2. As used herein, the reflector area shall be determined by computing the area of the horizontal plane or space across the face of the receiving component. Added by Ord. No. 2538, effective 6-6-83.)

School, private - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, C-3, M-1. (Added by Ord. No. 1169, effective 10-16-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 1407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

School, public - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, C-3, M-1. (Added by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 1520, effective 8-31-72; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81; amended by Ord. No. 2719, effective 8-28-86.)

Skating rink, roller and ice - O, C-2, C-3, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 731, effective 10-13-60; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73;

amended by Ord. No. 2719, effective 8-28-86.)

Solid Waste Recycling Operation - AE-10, AE-20, AE-40, AE-80, A-1, AF, C-2, C-3, M-1, M-2, AP. Provided, however, that in the C-2 and C-3 Zones a solid waste recycling operation shall be limited only to the collection and assemblage of solid waste materials from previously prepared products, not including waste food materials, for transport to other sites for recycling, processing, manufacture or treatment. (Added by Ord. No. 2542, effective 7-7-83; amended by Ord. No. 2719, effective 8-28-86.)

Stadium or sports arena, excluding school - A-1, O, C-2, C-3, M-1. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86.)

Swap Meet - C-2, C-3, M-1. (Added by Ord. No. 2719, effective 8-28-86.)

Temporary buildings and uses not otherwise expressly permitted by the zone in which located, for periods of not to exceed two (2) years if located outside of an Urban Improvement Area or Urban Development Boundary adopted pursuant to the Urban Boundaries Element of the General Plan, and for periods of not to exceed six (6) months if located within an Urban Improvement Area or Urban Development Boundary - AE, AE-10, AE-20, AE-40, AE-80, A-1, AF, R-A, R-O, R-1, R-2, R-3, O, P-O, P-1, C-1, C-2, C-3, M-1, M-2, AP. (Relocated from Part I.G and amended by by Ord. No. 2719, effective 8-28-86.)

Theatre, open air and drive in - C-2, C-3, M-1. (Amended by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1585, effective 5-31-73; amended by Ord. No. 2719, effective 8-28-86.)

Waste and refuse disposal sites, private and public, A-1, AE, AE-10, AE-20, AE-40, AE-80, AF, M-2. (Added by Ord. No. 1602, effective 7-5-73; amended by Ord. No. 1946, effective 8-12-76; amended by Ord. No. 2407, effective 3-26-81.)

A Special Use Permit shall be granted only if it is found that the establishment, maintenance and operation of the use of building or land applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the County. Special Use Permits may be granted subject to such conditions as will insure compliance with the aforementioned standards. (Added by Ord. No. 703, effective 8-27-59; amended by Ord. No. 1169, effective 10-26-67.)

In addition to the special uses listed hereinabove, certain zones included in this Ordinance also contain additional special uses which require Special Use Permits. (Added by Ord. No. 1371, effective 4-16-70; amended by Ord. No. 1520, effective 8-31-72.)

**AUTHORITY TO
IMPOSE CONDITIONS**

- C. All Special Use Permits shall be approved and allowed subject to such conditions and safeguards as the authority granting the permit shall specify, under the provisions of this Part and Part III of this Section pertaining to Variances, provided that showings required by Paragraph C of part III of this Section need not be made (Amended by Ord. No. 481, effective 11-29-51; amended by Ord. No. 1557, effective 4-12-73; amended by Ord. No. 2179, effective 11-23-78.)

**SPECIAL USE
PERMITS AND
VARIANCES:
ZONING
ADMINISTRATOR**

- D. 1. As an alternative to the procedures otherwise set forth in this Ordinance for acting on Special Use Permits and for acting on variances allowed under Parts I and II of this Section, the Board of Supervisors may, by resolution, authorize the Zoning Administrator to hold the hearing and make the decision on applications for specified Special Use Permits and variances. The Board may also adopt criteria, standards, policies and controls to provide assistance and guidance to the Zoning Administrator in making decisions under the standards which are set forth in this Ordinance. (Added by Ord. No. 481, effective 11-29-51; amended by Ord. No. 1972, effective 11-8-76.)
2. When so authorized, the Zoning Administrator shall hear and decide applications for such Special Use Permits and variances pursuant to the following procedures: (Added by Ord. No. 1972, effective 11-8-76.)
- a. The Zoning Administrator shall prescribe the form, contents and manner of preparing and submitting the application for a Special Use

Permit or variance. The fee prescribed in Section 18 of this Ordinance shall be paid at the time that the application for Special Use Permit or variance is filed.

- b. There shall be a public hearing before the Zoning Administrator on each application. The Zoning Administrator shall set the public hearing on a date not more than thirty (30) days after the filing of the application. However, if an environmental impact report is required to be prepared under the Environmental Quality Act of 1970, and regulations adopted pursuant thereto, the thirty (30) day period shall not start to run until all required procedures in connection with the environmental impact report have been completed.

- (1) If the Special Use Permit or variance will allow new residential use of the property and such residential use is not allowed without such Permit or variance, the following shall apply:

- (a) If a school district in which the proposed special use or variance is located has made the findings specified in Section 7602 of the Ordinance Code of Tulare County and the Board of Supervisors has concurred in such findings and determined the fees payable by a developer in accordance with Sections 7603 and 7606 of the Ordinance Code, the Zoning Administrator shall not approve the proposed Special Use Permit or variance without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.

- (b) The applicant may appeal the requirements of fees to the Board of Supervisors in accordance with Section 7604.1 of the Ordinance Code of Tulare County. (Amended by Ord. No. 2668, effective 10-3-85.)

- (2) If the Special Use Permit or variance will allow a use of real property which is subject to review by the Site Plan Review Committee under Section 16.2 of

this Ordinance, the Zoning Administrator shall notify the Site Plan Review Committee of the fact that the permit or variance is under consideration. No decision of the Zoning Administrator on a Special Use Permit or variance subject to review by the Site Plan Review Committee shall be made unless and until the Site Plan Review Committee submits a written report as required by this Ordinance. (Paragraph (2) added by Ord. No. 2417, effective 5-28-81; amended by Ord. No. 2668, effective 10-3-85.)

- c. Not less than ten (10) days prior to the public hearing, the Zoning Administrator shall cause notice of hearing to be given in accordance with section 65905 of the Government Code of the State of California. (Amended by Ord. No. 2647, effective 2-28-85.)
- d. The decision of the Zoning Administrator shall be in writing and shall include findings of facts relied on in making the decision.
- e. A copy of the decision of the Zoning Administrator shall be publicly posted at or near the door of the Planning Department for a period of one (1) week following the making thereof. Not more than two (2) days after making the decision on the application, the Zoning Administrator shall cause a copy of the decision to be mailed to the applicant, to the Board of Supervisors, and to any other person who has expressed an interest therein and has deposited with the Zoning Administrator a self-addressed, stamped envelope for this purpose. Failure to mail or to receive such notice, as a result of mistake or inadvertance, shall not affect the validity of the decision.
- f. Any person adversely affected by a decision of the Zoning Administrator on the Special Use Permit or variance may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) days after the date on which the decision of the

Zoning Administrator was made. An appeal shall specifically set forth the grounds for the appeal. Notice of the appeal hearing shall be given by the Clerk of the Board of Supervisors in the same manner as set forth in subparagraph c above. Action on the appeal shall be taken in accordance with Section 65903 of the Government Code and the required notices under section 65863.5 of the Government Code. (Amended by Ord. No. 2069, effective 12-8-77.)

- g. The decision of the Zoning Administrator shall become final ten (10) days after the date the decision is made if no appeal has been filed pursuant to paragraph f above. When no appeal has been filed, the Zoning Administrator shall give the required notices under section 65863.5 of the Government Code on behalf of the Board of Supervisors.
- h. The procedure set forth above constitutes an alternative procedure to any otherwise provided in this Ordinance for granting Special Use Permits and variances. However, unless the applicant requests that the Planning Commission hear the application, the procedure set forth herein shall be followed by the Zoning Administrator whenever applicable.

TEMPORARY BUILDINGS AND USES

- E. (Added by Ord. No. 764, effective 4-23-61; amended by Ord. No. 1094, effective 9-1-66; repealed by Ord. No. 1972, effective 11-8-76.)

VARIANCE PROCEDURES

III.

NOTICE

- A. Upon the filing of a verified application by a property owner or upon its own motion, the Planning Commission shall give public notice of the intention to consider the granting of a variance as provided in Section 18. (Amended by Ord. No. 810, effective 1-11-62.)
 - 1. If the variance will allow new residential use of the property, and such residential use is not allowed without such variance, the following shall apply:
 - a. If a school district in which the proposed variance is located has made the

findings specified in Section 7602 of the Ordinance Code of Tulare County and the Board of Supervisors has concurred in such findings and determined the fees payable by a developer in accordance with Sections 7603 and 7606 of the Ordinance Code, the Planning Commission shall not approve the proposed variance without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.

- b. The applicant may appeal the requirement of fees to the Board of Supervisors in accordance with Section 7604.1 of the Ordinance Code of Tulare County. (Paragraph 1. added by Ord. No. 2217, effective 3-22-79; amended by Ord. No. 2668, effective 10-3-85.)

- 2. If the variance will allow a use of real property which is subject to review by the Site Plan Review Committee under Section 16.2 of this Ordinance, the Planning Commission shall notify the Site Plan Review Committee of the fact that the permit or variance is under consideration. No decision of the Planning Commission on a variance subject to review by the Site Plan Review Committee shall be made unless and until the Site Plan Review Committee submits a written report as required by this Ordinance. (Paragraph 2. added by Ord. No. 2417, effective 5-28-81.)

**ACTION BY
PLANNING
COMMISSION**

- B. Not more than thirty-five (35 days following said hearing, the Planning Commission shall announce its findings by formal resolution and said resolution shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the granting or denial of the variance necessary to carry out the provisions of this Section and the general purposes of this Ordinance. If such resolution grants the variance, it shall also impose such conditions and limitations as may be needed to carry out the purposes of this Section. Such resolutions shall be numbered consecutively in the order of their passage and shall become a permanent record of the Planning Commission. (Amended by Ord. No. 2179, effective 11-23-78.)

**VARIANCE
FINDINGS**

- C. Before any variance may be granted, it shall be shown:

1. That there are special circumstances applicable to the property involved including size, shape, topography, location or surroundings, so that the strict application of the zoning ordinance deprives the property of privileges enjoyed by other property in the vicinity and under identical zoning classification.
2. That the granting of the variance will be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.
3. That the variance will not authorize a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property.
4. That the granting of the variance is consistent with the General Plan.

In addition, if the variance pertains to a building or structure located within the building line setbacks established pursuant to Sections 7500 et seq. of the Ordinance Code of Tulare County, the findings required in Section 7509 of the Ordinance Code shall also be made before any variance may be granted. (Amended by Ord. No. 2107, effective 5-4-78; amended by Ord. No. 2481, effective 7-1-82.)

APPLICATION REQUIREMENTS

- D. Application for a variance shall set forth in detail such factors as, in the opinion of the applicant, pertain to subparagraphs 1, 2, 3, and 4 of Paragraph C next above.

SECTION 16.2: SITE PLAN REVIEW
(Added by Ord. No. 2417, effective 5-28-81.)

PURPOSE

- A. The purpose of this section is to enable the County to make a finding that proposed development is in conformity with the provisions of this ordinance and the goals and objectives of the General Plan. The Site Plan Review process is further intended to provide a means whereby the Planning Department, Public Works Department, Building Department, Public Health Department, and Fire Warden's Office may establish consistent, uniform requirements of development projects.

APPLICATION

- B. When a Site Plan Review is required by this ordinance or by the Tulare County Ordinance Code, the following procedures shall apply.

SITE PLAN REVIEW COMMITTEE

- C.
1. A Site Plan Review Committee is hereby established which shall consist of the Planning Director, the Public Works Director and the County Health Officer. Each of said members shall have the power to designate an employee in his office to act in his place on the Committee, on a permanent basis or from time to time as required.
 2. The Planning Director, or his designated representative, shall act as Chairman of the Committee and the files and records of the Committee shall be maintained by the Planning Director.
 3. All actions by the Committee require the concurring votes of at least two (2) members of the Committee.
 4. The Site Plan Review Committee shall hold a regular public meeting at least twice each month at a time and place determined by the members, and such additional meetings as the members determine to be necessary. The Site Plan Review Committee shall adopt rules governing the transaction of business at its meetings and the other affairs of the Committee.

POWERS AND DUTIES OF THE SITE PLAN REVIEW COMMITTEE

- D. The powers and duties of the Site Plan Review Committee shall include:
1. Serve in an advisory capacity to the Planning Commission, Zoning Administrator, and Board of Supervisors on site plans submitted with Special Use Permits and Planned Unit Developments where required by this Ordinance.

2. Review and approve, conditionally approve or disapprove site plans where required by this Ordinance.
3. Such other duties as the Board of Supervisors may direct.

PROCEDURES FOR FILING SITE PLAN E.

Preliminary Site Plan

1. a. The applicant shall submit twelve (12) copies of the preliminary site plan to the Planning Director.
- b. At the time the preliminary site plan is submitted, the applicant shall pay to the Planning Director the appropriate fee as set forth in Section 18 of this ordinance to defray the expenses incidental to processing the plan, and, in addition, any required fee for the environmental studies and reports that may be required for the proposed project under the Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq.)

Final Site Plans

2. a. After the preliminary site plan is approved, the applicant shall submit twelve (12) copies of the final site plan to the Planning Director.
- b. At the time the final site plan is submitted, the applicant shall pay to the Planning Director the appropriate fee as set forth in Section 18 of this ordinance to defray the expenses incidental to processing the plan.

Acceptance

3. No site plan shall be deemed to be accepted for processing until the Planning Director has made the review authorized by Section 65943 of the Government Code of the State of California and has determined whether the site plan and accompanying documents are complete. When the Planning Director has determined that said plan and documents are complete, and transmitted the written notice that the plan and documents are complete, or when the thirty (30) day period has expired, all as set forth in said Section 65943, the site plan shall be deemed to be accepted for processing. If the Planning Director notifies the applicant that the plan and documents are not complete, the site plan shall not be processed until the Planning Director determines that all information required by the notice has been supplied by the applicant.

Notices to
Agencies

4. Within five (5) working days after the submittal of a site plan and accompanying documents, the Planning Director shall transmit copies of the site plan to the Public Works Director, the County Health Department, the County Fire Warden, the County Building Department and to each of the public utilities affected, together with requests for recommendations on the proposed project. In addition, the County Planning Director shall transmit copies of the site plan to the following public and private agencies together with requests for recommendations on the proposed project:
 - a. Affected cities, if the proposed site is within the Urban Area Boundary of an incorporated city as adopted pursuant to the Urban Boundaries Element of the Tulare County General Plan.
 - b. Municipal Advisory Councils if the project site is within the sphere of influence of a Council.
 - c. School districts within which the project site is located, unless no residential development is proposed and the site is more than 1320' from a public school.
 - d. Community services districts within which the project site is located.
 - e. Water districts, irrigation districts and any other public or private agencies which, in the judgement of the Planning Director, would be affected by the proposed project.

SITE PLAN
CONTENTS

F.

Preliminary
Site Plan

1. The preliminary site plan maps shall be clearly and legibly drawn. The size of the sheet shall be appropriate to allow proper review, as determined by the Building and Planning Director. The scale of the map shall be one (1) inch equals one hundred (100) feet or a decimal fraction or a multiple of one hundred (100) feet. The preliminary site plan map shall contain the following information:
 - a. Location of the proposed project with reference to section, township, and range.
 - b. Name and address of record owner and applicant.

- c. Name and address of person who prepared the site plan.
- d. Date of preparation.
- e. North point and scale.
- f. Approximate lot dimensions.
- g. General locations of existing and proposed buildings and proposed uses.
- h. Off-street parking areas and internal circulation patterns.
- i. Locations of proposed signs, if any.
- j. Preliminary drainage plan.
- k. Proposed landscaping areas.
- l. Proposed location of utilities, sewage disposal systems and domestic water supply systems.
- m. Approximate contour lines if necessary to illustrate the influence of topographic conditions on the design of the project. An aerial photograph or topographic model of the property may be submitted in lieu of indicating contour lines on the preliminary site plan map.
- n. Locations and names of water courses and areas subject to flooding or ponding of surface water.
- o. The proposed method of flood protection for any area subject to flooding or ponding of surface water.
- p. Locations of proposed public areas.
- q. Approximate grades of all streets or parts of streets exceeding six percent (6%).
- r. Proposed fire protection facilities.
- s. Such other information as may be required to be shown on preliminary site plans by other sections of this ordinance.

Information to
Accompany Prelimi-
nary Site Plan Map

- t. Such other information as may be required by the Planning Director to permit the Site Plan Review Committee to make the required findings and to take action on the preliminary site plan.

2. The preliminary map shall be accompanied by the following statements and documents:

- a. Six (6) copies of a preliminary geological-hydrological report prepared in accordance with Section 7052.5 of the Ordinance Code of Tulare County.
- b. Methods to be used for disposal of liquid and solid wastes.
- c. Method of supply of domestic water.
- d. An application and fees for the environmental studies and reports required for the proposed project under the Environmental Quality Act of 1970 (Public Resources Code Sections 21000 et seq.).
- e. Such other information as may be required to accompany preliminary site plans by other sections of this ordinance.

Final Site Plans

3. The size of the final site plan map shall be eleven (11) by seventeen (17) inches unless a larger sheet is required in which event sheets which are eighteen (18) by twenty-six (26) inches shall be used. The final site plan map shall be legibly drawn, in pencil or ink, and shall use a decimal or engineer's scale of not less than one (1) inch equals one-hundred (100) feet unless the Planning Director determines that a different scale will be adequate and appropriate for the site plan map. The final site plan map shall clearly show the following information:

- a. The location of the proposed project with reference to Section, township and range.
- b. Names and addresses of the record owner and applicant.
- c. Name and address of the person who prepared the site plan.
- d. Date of preparation.
- e. North point and scale.

- f. Lot dimensions: existing and proposed property lines.
- g. All existing and proposed buildings and structures including location, elevations, floor plans, size, height, and proposed use.
- h. Yard areas and space between buildings.
- i. Walls and fences including location, height and materials.
- j. Off-street parking: location, number of spaces, dimensions of parking area and internal circulation pattern.
- k. Access - pedestrian, vehicular, service: points of ingress and egress, internal circulation and type of surface paving.
- l. Names, location and dimensions of all adjoining streets, including street dedications and improvements as required in the Improvement Standards of Tulare County as adopted pursuant to Section 7080 of the Ordinance Code of Tulare County.
- m. Signs: location, size, materials and illumination .
- n. Off-street loading: location, dimensions, number of spaces, internal circulation.
- o. Exterior lighting: location, height and general nature including hooding devices and direction of illumination.
- p. Provisions for site drainage.
- q. Finish floor elevations and selected spot elevations at finished grade.
- r. The location and type of landscaping and irrigation systems.
- s. Existing topography if major changes in the topography are proposed. Topography shall be shown by sufficient elevation and contours to determine the general slope of the land and the high and low points thereof. Contours shall be shown at five (5) foot intervals for terrain having a natural slope of five percent (5%) or more. On areas with a slope of less than five percent (5%), the contours shall be shown at two (2) foot intervals.

- t. Location, percent of slope and height differential for all cut or fill slope banks over three (3) feet in height: methods and materials used for slope stabilization and drainage water diversion.
- u. Location and nature of all existing and proposed utilities including septic tanks, leach fields, community sewer systems and domestic water systems.
- v. Location of all existing and proposed easements including those for access and public utilities.
- w. Delineation of the intermediate regional flood lines, if applicable, and any natural or man-made water courses traversing the site, either permanent or intermittent.
- x. Fire protection facilities.
- y. Such other information as may be required by other sections of this ordinance to be shown on final site plans.
- z. Such other information as may be required by the Planning Director to permit the Site Plan Review Committee to make the required findings and take action on the site plan.

Information to
Accompany Final
Site Plan Map

- 4. The final site plan map shall show thereon or be accompanied by the following statements:
 - a. Legal description of the property.
 - b. Proposed uses of the property, including a statement of the relative proportions of the total area of the project site proposed to be devoted to each use.
 - c. A final geological-hydrological report prepared in conformance with Section 7063.2 of the Ordinance Code of Tulare County if required by the Site Plan Review Committee.
 - d. Specific source and type of water supply (e.g., drilled well, dug well, spring, etc.).
 - e. Method of sewage disposal.

- f. A tentative drainage plan indicating provisions for drainage and storm water control and, for any area which is located within the boundaries of the intermediate regional flood, the proposed method of flood protection.
- g. Types of street improvements and utilities which the applicant proposes to install.
- h. Description of street tree planting plan and other landscaping plans, if required.
- i. Statement of other improvements proposed to be made or installed.
- j. Statement of the time when improvements are proposed to be made or installed.
- k. Deed restriction, if any.
- l. Such other information that may be required by other sections of this ordinance to accompany final site plans.

Notice to
Applicant's Agent

- 5. If the project applicant desires that notices, reports and other communications from the Site Plan Review Committee, Planning Commission, the Board of Supervisors and other officers and agents of the County be sent to him in care of his engineer, architect, or other authorized agent, he shall attach to the site plan map a statement to that effect. If such a statement is attached to the site plan map, all notices, reports and communications required under the provisions of this section shall be sent to the subdivider in care of the engineer, architect or other authorized agent named in such statement.

Waiver of
Information

- 6. a. Upon written application by the project's sponsor, the Site Plan Review Committee may waive any of the items required to be shown on or accompanied with a site plan map as provided in this subsection or by other sections of this ordinance. The application shall fully state the grounds for the waiver and, in particular, why the information required to be shown will not serve the purpose of this ordinance and the intent of the General Plan. If the Site Plan Review Committee determines that the filing of such information will not serve the purposes set forth in this ordinance or the goals and objectives of the General Plan, the Committee may waive such requirements and the Planning Director shall accept the site plan

map without such requirements in accordance with subsection E of this Section. However, the Site Plan Review Committee does not have the authority to waive the requirement to file a site plan if such plans are required to be filed by this Ordinance.

- b. The Site Plan Review Committee may, by resolution, delegate to the Planning Director the authority and responsibility for reviewing applications for waiver of information in accordance with the directives contained in subparagraph a of this paragraph. (Amended by Ord. No. 2492, effective 8-26-82.)

Waiver of Preliminary Site Plan

- 7. Unless otherwise requested by the applicant, the Planning Director shall waive the requirement to file a preliminary site plan for any project which meets both of the following criteria:

- a. The property is not located within the boundaries of a zone which has been combined with the PD Zone.
- b. The filing of a preliminary site plan would not serve the purposes of this ordinance or the intent of the General Plan.

When the requirement to file a preliminary site plan has been waived pursuant to this paragraph, the applicant may file a final site plan for decision pursuant to the procedures set forth in paragraph 1 of subsection G of this section, insofar as said paragraph may be applicable to final site plans. (Paragraph 7 added by Ord. No. 2492, effective 8-26-82.)

SITE PLAN REVIEW G. PROCEDURES

Procedures when Acting as a Decision-making Body

- 1. Where the Site Plan Review Committee is authorized by this ordinance to review and approve, conditionally approve, or disapprove site plans, the following procedure shall apply:
 - a. The Site Plan Review Committee shall hold a public hearing and review and approved, conditionally approve, or disapprove the preliminary site plan map within fifteen (15) days after the date of acceptance by the Planning Director. The date of acceptance shall be determined in accordance with subsection E of this section. Said time limit may be extended by mutual consent of the Committee and the applicant.

- b. At least ten (10) days prior to the hearing before the Site Plan Review Committee, on the preliminary site plan map, the Planning Director shall give notice in accordance with the requirements of subparagraph c of paragraph 2 of subsection D of part II of Section 16 of this ordinance.
- c. If the Site Plan Review Committee determines that the preliminary site plan complies with all the provisions of this ordinance and is consistent with the goals and objectives of the General Plan, it shall adopt written findings to that effect and approve or conditionally approve the preliminary site plan.
- d. If the preliminary site plan fails to meet one or more requirements set forth in this ordinance, or is inconsistent with one or more of the goals and objectives of the General Plan, the Site Plan Review Committee shall adopt written findings describing the inconsistencies and either deny the preliminary site plan or approve the plans subject to such conditions as may be necessary or convenient to ensure conformity to such requirements, goals and objectives. The written findings may include a description of appropriate changes in project type or design as may be necessary or convenient to ensure conformity with this ordinance and the General Plan.
- e. Within seven (7) days after the action of the Committee, a copy of the written findings shall be furnished to the applicant, the Planning Commission, the Board of Supervisors and to each public and private agency to which a copy of the preliminary site plan was transmitted in accordance with Subsection E of this Section.
- f. Once the preliminary site plan has been approved or conditionally approved by the Site Plan Review Committee, the applicant may submit a final site plan, prepared in accordance with the approved or conditionally approved preliminary site plan, to the Planning Director for review and approval by the Site Plan Review Committee.

- g. Upon acceptance of the final site plan by the Planning Director, the Director shall transfer said map and accompanying documents to the Site Plan Review Committee. The Committee shall fix the meeting date at which the final site plan will be considered, which shall be within fifteen (15) days thereafter. The Committee shall approve, conditionally approve or disapprove the final site plan within said fifteen (15) day period unless extended by mutual consent of the Committee and the applicant.
- h. At least five (5) days prior to the meeting, the Planning Director shall provide written notice of the time and place of said meeting to the applicant. No public notice or public hearing shall be required for review of a final site plan except as set forth in subparagraph (1) of this paragraph.
- i. Any interested person may request that the Site Plan Review Committee hold a public hearing on a final site plan pursuant to this paragraph. Such a request shall be in writing and shall be filed with the Planning Director at least ten (10) days before the date on which the final site plan is scheduled for review by the Site Plan Review Committee. If a request for public hearing is filed prior to said ten (10) day period, the Site Plan Review Committee shall schedule a public hearing to review the final site plan and the Planning Director shall give public notice of said hearing in accordance with the procedure set forth in subparagraph (b) of this paragraph. If no request for hearing is filed prior to said ten (10) day period, the Site Plan Review Committee shall take action on the final site plan in accordance with this ordinance.
- j. If the Site Plan Review determines that the final site plan complies with all the provisions of this ordinance and is consistent with the goals and objectives of the General Plan, it shall adopt findings to that effect and approve or conditionally approve the final site plan.
- k. If the final site plan fails to meet one or more requirements set forth in this ordinance, or is inconsistent with one or more of the goals and objectives of the General Plan, the Site Plan Review Committee shall

adopt findings describing the inconsistencies and either deny the final site plan or approve the plan subject to such conditions as may be necessary or convenient to ensure conformity to such requirements, goals or objectives.

1. Within seven (7) days after the action by the Site Plan Review Committee, written notice of the action of the Committee shall be furnished to the applicant, the Planning Commission, the Board of Supervisors and to each public and private agency to which a copy of the site plan was transmitted in accordance with Subsection E of this Section.
- m. Upon approval of the final site plan by the Site Plan Review Committee, the site plan shall be so marked and all conditions of approval and required dedications and improvements clearly specified on or with the plan. Copies of the approved site plan shall be filed with the Planning Director, the County Health Department, the County Public Works Department, the County Fire Warden and the County Building Department.

**Procedure When
Acting as an
Advisory Body**

2. In those cases where the Site Plan Review Committee is required to serve in an advisory capacity to the Planning Commission, Zoning Administrator, and Board of Supervisors on special use permits, subdivisions and planned developments, the following procedures shall apply:
 - a. Prior to filing an application for a special use permit, tentative subdivision map, or planned development, an applicant shall submit a preliminary site plan for the project to the Planning Director in accordance with paragraphs 1 and 2 of subsection F of this section. The date of acceptance of the preliminary site plan shall be determined in accordance with subsection E of this section.
 - b. Within fifteen (15) days after the date of acceptance the Site Plan Review Committee shall meet and adopt written findings concerning the preliminary site plan. The date of acceptance shall be determined in accordance with Subsection E of this Section. Such time limit may be extended by mutual consent of the Committee and the applicant.

- c. At least five (5) days prior to said meeting, the Planning Director shall provide written notice to the applicant of the time and place thereof. No other public notice and no public hearing shall be required for any meetings held by the Site Plan Review Committee when serving in an advisory capacity to the Planning Commission, Zoning Administrator, and Board of Supervisors on site plans submitted for special use permits, subdivisions and planned unit developments.
- d. If the Site Plan Review Committee determines that the preliminary site plan complies with all the provisions of this Ordinance and is consistent with the goals and objectives of the General Plan, it shall adopt written findings to that effect.
- e. If the preliminary site plan fails to meet one or more requirements set forth in this Ordinance or is inconsistent with one or more of the goals and objectives of the General Plan, the Site Plan Review Committee shall adopt written findings describing the inconsistencies. The written findings may include a description of appropriate changes in project type or design as may be necessary or convenient to insure conformity with such requirements, goals and objectives.
- f. Within seven (7) days after the action of the Committee, a copy of the written findings shall be furnished to the applicant, the Planning Commission, the Board of Supervisors and to each public and private agency to which a copy of the preliminary site plan was transmitted in accordance with Subsection E of this Section.
- g. Once written findings for the preliminary site plan are adopted, the applicant may submit an application for a special use permit, a tentative subdivision map or a planned development. Said application shall be accompanied by a final site plan and other documents prepared in accordance with the provisions of paragraphs 3 and 4 of subsection F of this Section. An application for a special use permit or a planned unit development may not be accepted by the Planning Director without first securing written findings for a preliminary site plan pursuant to this paragraph. The date of acceptance in accordance with subsection E of this Section.

- h. Upon acceptance of the final site plan, the Director shall transfer said plan and accompanying documents to the Site Plan Review Committee. The Committee shall fix the meeting date at which the final site plan will be considered, which shall be within fifteen (15) days thereafter. The Committee shall adopt written findings and recommendations concerning the final site plan within said fifteen (15) day period unless extended by mutual consent of the Committee and the applicant.
- i. The applicant shall be given notice of the time and place of said meeting in accordance with the procedures set forth in this paragraph for preliminary site plans. No public notice or public hearing shall be required for review of a final site plan pursuant to this paragraph.
- j. If the Site Plan Review Committee finds that the proposed final site plan for the special use permit, tentative subdivision map or planned development complies with all of the provisions of this Ordinance and is consistent with the goals and objectives of the General Plan, it shall adopt written findings to that effect and recommend that the body taking final action on the application approve the project.
- k. If the final site plan for the special use permit, tentative subdivision map, or planned unit development falls to meet one or more requirements set forth in this Ordinance or is inconsistent with one or more of the goals and objectives of the General Plan, the Site Plan Review Committee shall adopt written findings describing the inconsistencies and may either recommend denial of said application or recommend that said application be approved subject to such conditions, including changes in the type of project or project design, as may be necessary or convenient to insure conformity with the aforementioned requirements, goals and objectives.
- l. Within seven (7) days after the action by the Site Plan Review Committee, written notice of the action of the Committee shall be mailed to the applicant, the Planning Commission, the Board of Supervisors and to each public and private agency to which a copy of the final site plan was transmitted,

Simultaneous
Processing with
Parcel Maps

- in accordance with Subsection E of this Section.
- m. Said written notice shall be in the form of a recommendation to the appropriate decision-making body.
3. In those cases where the Site Plan Review Committee is required by this ordinance to review site plans on subdivisions for which a parcel map is required by the Subdivision Map Act (Sections 66410 et seq. of the Government Code of the State of California), the procedure set forth in paragraph 2 of this subsection shall be applicable, subject to the following exceptions:
- a. The preliminary site plan shall be filed and processed with a preliminary parcel map in accordance with Section 7050 et seq. of the Ordinance Code of Tulare County.
 - b. The transmittal of the preliminary site plan to public and private agencies pursuant to Subsection E of this section shall be combined with the transmittal of the preliminary parcel map pursuant to Section 7050 of the Ordinance Code of Tulare County.
 - c. The meeting at which the preliminary site plan is to be discussed with the subdivider shall be held in conjunction with the design conference scheduled for the preliminary parcel map pursuant to Section 7053 of the Ordinance Code of Tulare County.
 - d. The written findings required for preliminary site plans shall be incorporated into the written report for the design conference required by said Section 7053.
 - e. Once the written findings on the preliminary site plan are adopted, the applicant may submit a tentative parcel map. Said tentative parcel map shall be accompanied by a final site plan and other documents prepared in accordance with paragraphs 3 and 4 of Subsection F of this Section. A tentative parcel map may not be accepted by the Planning Director without first securing written findings for a preliminary site plan pursuant to this paragraph. The date of acceptance of the final site plan map shall be determined in accordance with Subsection E of this section.

Simultaneous
Processing with
Preliminary Sub-
division Maps

- f. Following acceptance of the final site plan, the Director shall fix the meeting date at which the final site plan will be considered by the Committee, which shall be the same date established for the public hearing on the tentative parcel map pursuant to Section 7105.2 of the Ordinance Code of Tulare County. The final site plan shall be considered by the Committee at the same time that the tentative parcel map is considered.
 - g. The transmittal of the final site plan to public and private agencies pursuant to Subsection E of this section shall be combined with the transmittal of the tentative parcel map pursuant to Section 7100 et seq. of the Ordinance Code of Tulare County.
 - h. A written recommendation shall not be required for final site plans prepared for tentative parcel maps; however, written findings shall be adopted by the Committee and incorporated into the final written decision on the tentative parcel map.
4. In those cases where the Site Plan Review Committee is required by this Ordinance to review site plans on subdivisions for which a tentative and final map is required by the Subdivision Map Act (Sections 66410 et seq. of the Government Code of the State of California), the procedure set forth in paragraph 2 of this subsection shall be applicable, subject to the following exceptions:
- a. The preliminary site plan shall be filed and processed in conjunction with a preliminary subdivision map in accordance with Section 7050 et seq. of the Ordinance Code of Tulare County.
 - b. The transmittal of the preliminary site plan to public and private agencies shall be combined with the transmittal of the preliminary subdivision map pursuant to Section 7050 of the Ordinance Code of Tulare County.
 - c. The meeting at which the preliminary site plan is to be discussed with the subdivider shall be held in conjunction with the design conference scheduled for the preliminary subdivision map pursuant to Section 7053 of the Ordinance Code of Tulare County.

FINDINGS: AUTHORITY TO REQUIRE DEDICATIONS AND IMPROVEMENTS

H.

- d. The written findings required for preliminary site plans shall be incorporated into the written report on the design conference required by said Section 7053.
1. Before any site plan may be approved or recommended for approval, the Site Plan Review Committee shall find:
 - a. That all the provisions and requirements of this ordinance are complied with:
 - b. That all applicable provisions and requirements of the General Plan are complied with.
 - c. That the following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there will be no adverse effects on surrounding property:
 - (1) Buildings, structures and improvements.
 - (2) Vehicular ingress and egress and internal circulation.
 - (3) Setbacks.
 - (4) Height of buildings and other structures such as signs, towers, and air-wave receiving antennae.
 - (5) Location of service.
 - (6) Walls and fences.
 - (7) Landscaping.
 - d. That any proposed outdoor lighting is arranged so as to reflect the light away from adjoining properties and roadways.
 - e. That proposed signs for outdoor advertising structures will not, by reason of size, location, color or lighting, interfere with safe traffic movement, limit visibility, or depreciate the value of adjoining property or the neighborhood.
2. In those cases where the Site Plan Review Committee is acting in a final decision-making capacity, the Committee shall have authority to grant approval of a final site plan subject to any reasonable conditions, including dedications and

improvements, which are deemed necessary or convenient to insure conformity to or implementation of the requirements of this ordinance and the goals and objectives of the General Plan. The decision of the Site Plan Review Committee shall be final unless appealed to the Board of Supervisors in a manner provided in subsection 1 of this section.

3. In those cases where the Site Plan Review Committee is acting in an advisory capacity to the Planning Commission, Board of Supervisors or Zoning Administrator, the Site Plan Review Committee may recommend, as a condition of approval of the special use permit, subdivision or planned unit development, any reasonable conditions, including dedications or improvements, which the Committee deems necessary or convenient to insure conformity to or implementation of the requirements of this ordinance and the goals and objectives of the General Plan. The decision of the Site Plan Review Committee when it is acting in an advisory capacity to another decision-making body, is not subject to appeal.

APPEALS

I.

1. Any person adversely affected by a decision of the Site Plan Review Committee when the Committee is acting in a final decision-making capacity in accordance with paragraph 1 of Subsection G of this Section, may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors in accordance with Section 115 of the Ordinance Code of Tulare County.
2. At the next regular meeting of the Board of Supervisors following the filing of the appeal, the Board of Supervisors shall set the matter for hearing at a meeting to be held within thirty (30) days thereafter. The Clerk shall give notice of the time and place of the hearing in the manner provided in subparagraph (b) of paragraph 1 of Subsection G of this section and in Section 115 of the Ordinance Code of Tulare County. In addition, the clerk shall give notice to any other interested person who has requested notice of such hearing.
3. The Board of Supervisors shall hear the appeal in accordance with Section 115 of the Ordinance Code of Tulare County. After the appeal hearing, the Board of Supervisors may affirm, reverse, or

modify the decision of the Site Plan Review Committee, or refer the matter to the Site Plan Review Committee for further action. The decision of the Board of Supervisors shall be final and conclusive as to all things involved in the matter.

4. Within seven (7) days after the action by the Board of Supervisors, the Clerk of the Board shall give written notice of the decision to the person filing the appeal, the applicant, the Site Plan Review Committee, the Planning Commission, each public and private agency to which a copy of the site plan was transmitted, and to any other person who requests such written notice.

**ADDITIONAL
REQUIREMENTS FOR
SITE PLANS SUBJECT
TO APPROVAL BY
COMMITTEE**

- J. The following additional requirements shall be applicable only to site plans which are subject to final approval by the Site Plan Review Committee in accordance with paragraph 1 of Subsection C of this Section.

**Effect of Site
Plan Approval**

1. a. Before any building permits may be issued for improvements which are subject to Site Plan Review Ordinance, the Building Department shall secure a certificate from the Planning Department that:
 - (1) The proposed relocation, construction, or building alteration is in conformity with the final site plan and conditions approved by the Site Plan Review Committee.
 - (2) All required improvements have either been completed, or if not completed, the applicant has certified that they will be completed prior to issuance of an occupancy permit for the proposed use.
 - (3) All required dedications have been submitted.
- b. A final site plan approved pursuant to provisions of this section shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the final site plan approval.

**Expiration and
Extension**

2. a. Preliminary Site Plans:
 - (1) A preliminary site plan approval shall lapse and become null and void one (1) year following the date of approval by the Site Plan Review Committee unless,

prior to the expiration of one (1) year, a final site plan for the proposed project has been submitted to the Planning Director.

- (2) Upon written application by the applicant filed prior to the expiration of the approved or conditionally approved preliminary site plan, the time at which such site plan expires may be extended by the Site Plan Review Committee for an additional period or periods of not more than one (1) year. If the Site Plan Review Committee denies an applicant's request for an extension, the applicant may appeal the decision to the Board of Supervisors.

b. Final Site Plans:

- (1) A final site plan approval shall lapse and become null and void one (1) year following the date on which approval by the Site Plan Review Committee became effective unless, prior to the expiration of one (1) year, a building permit is issued by the Building Department and/or construction is commenced and diligently pursued toward completion of the project which was the subject of the final site plan approval.

- (2) Upon written application of the applicant filed prior to the expiration of the approved or conditionally approved final site plan, the time at which such site plan expires may be extended by the Site Plan Review Committee for an additional period or periods of not more than two (2) years. If the Site Plan Review Committee denies an applicant's request for extension, the applicant may appeal the decision to the Board of Supervisors.

- c. The expiration of the approved or conditionally approved site plan shall terminate all proceedings and, unless otherwise provided in this ordinance, no construction or development of the real property included within such site plan may be undertaken without first processing a new preliminary and final site plan.

Revocation of
Site Plan

3. a. Failure of an owner or operator to comply with all conditions of approval of the final site plan shall be a basis for a revocation of the approval of said site plan. When non-compliance or a violation is discovered during inspection or at any other time, the Planning Director shall give the owner or operator of the use of real property authorized by the final site plan written notice of the acts of noncompliance or violation and direct that they be corrected within a specified period of time. If said corrections are not made in compliance with the notice, the Planning Director shall report the noncompliance to the Site Plan Review Committee which may commence revocation proceedings.
- b. Before revoking a site plan, the Site Plan Review Committee shall provide public notice and hold a public hearing pursuant to the procedures for notice and hearings on preliminary site plan as set forth in paragraph 1 of subsection G of this section. Notice of said hearing shall also be given to public and private agencies in accordance with subsection E of this section.
- c. At the hearing the Site Plan Review Committee may revoke the final site plan approval and require that the site be restored to its condition existing prior to original approval of the final site plan, or the Site Plan Review Committee may allow the continuation of the final site plan approval with or without additional conditions.
- d. The decision of the Committee shall be in writing and shall indicate findings of fact relied on in making the decision. Within seven (7) days after the action by the Committee, the written decision shall be furnished to the owner or operator, the Planning Commission, the Board of Supervisors and to each public and private agency who received notice of the revocation hearing in accordance with subparagraph b of this paragraph.
- e. Any person adversely affected by the decision of the Site Plan Review Committee shall be entitled to appeal to the Board of Supervisors from the decision of the Site Plan Review Committee as provided in subsection 1 of this section.

Security for
Improvements

4. If the required improvements, including construction of both public and private improvements, have not been completed at the time the applicant requests an occupancy permit from the County Building Department, the occupancy permit shall not be approved until the applicant has entered into an agreement with the Board of Supervisors to complete all of said improvements. Said agreements shall be subject to all provisions of Chapter 1 of Part VII of the Ordinance Code of Tulare County governing such agreements for subdivisions. In addition, the applicant shall provide security to guarantee to the County the completion of said improvements and said security shall be in the same form, and subject to all of the same conditions, restrictions and other provisions applicable to the similar security required for subdivisions under Chapter 1 of Part VII of this Ordinance Code.

Revisions to
Site Plans

5. a. Minor Revisions: The Planning Director is authorized to approve minor modifications or revisions of approved final site plans upon a request by the applicant, or his successors, as long as said modifications do not substantially affect the determination of the Site Plan Review Committee. The Planning Director's approval of such minor modifications or revisions shall be noted on the approved final site plans and the Planning Director shall refer said modified plans to the Site Plan Review Committee for concurrence with his decision. If the Site Plan Review Committee concurs with the Planning Director's decision, the Planning Director shall within seven (7) days thereafter provide written notice of his decision to the applicant and to any public or private agency which, in the judgement of the Planning Director, would be affected by said minor revision. If the Site Plan Review Committee does not concur with the Planning Director's decision, the Planning Director shall within seven (7) days thereafter provide written notice of the Committee's decision to the applicant.
- b. Major Revisions: If the Planning Director determines that the proposed modifications or revisions constitute a major deviation from the approved final site plan, or that such revisions or modifications are inconsistent with the intent of the Site Plan Review Committee in its approval of the original site plan, or if the Site Plan Review Committee does not concur with the

Planning Director's decision under paragraph 1 of this subsection, the applicant shall file a new preliminary and final site plan in accordance with subsections E and G of this section. The same procedures shall be applicable to a major site plan revision as are applicable to the approval of the original site plan. No deviation from the original final site plan shall be undertaken by the applicant or his successors until a new final site plan incorporating the revisions has been approved by the Site Plan Review Committee.

Effective Date

6. A final site plan approval will not be effective until twenty (20) days after the date on which it is granted by the Site Plan Review Committee and until the applicant, at his own expense, has executed and filed with the County Recorder, a certified copy of the resolution of the Site Plan Review Committee approving said site plan with a duly authorized acceptance in the form approved by the County Counsel, endorsed thereon.

**Interim School
Facilities Fees:**

7.
 - a. If a proposed preliminary site plan will allow residential use of the property and such residential use is not permitted without such site plan, and if a school district in which the proposed site plan is located has made the findings specified in Section 7602 of the Ordinance Code of Tulare County and the Board of Supervisors has concurred in such findings and determined the fees payable by a developer in accordance with Sections 7603 and 7606 of the Ordinance Code, the Site Plan Review Committee shall not approve the proposed preliminary site plan without finding that the fees previously determined by the Board are required, and imposing such fees as a condition of approval.
 - b. The applicant may appeal the requirement of fees to the Board of Supervisors in accordance with Section 7604.1 of the Ordinance Code of Tulare County. (Amended by Ord. No. 2668, effective 10-3-85.)

SECTION 17: AMENDMENTS

Boundaries of the zones established by this Ordinance or the classification of property uses therein may be amended, reclassified and altered whenever public necessity and convenience and general welfare require. Such changes may be initiated by: (a) the verified petition of one or more of the owners of property proposed to be so changed or reclassified; (b) Resolution of Intention by the Board of Supervisors; (c) Resolution of Intention of the Planning Commission.

Whenever the owner of any land or building desires a reclassification of his property, he shall present to the Planning Commission a petition duly verified by him requesting an amendment, supplement or change of the regulations prescribed for such property.

Upon the filing of such verified petition, or the passage of such Resolution of Intention, the Planning Commission shall provide for such hearings thereon as may be required by law for amendments, extensions or additions to the zoning plan, and notice of such hearing or hearings shall be given, and the Planning Commission shall take such action thereon as is provided for in Section 18 hereof.

SECTION 18: PETITIONS, NOTICES, INVESTIGATIONS
AND HEARINGS

PETITIONS

The Planning Commission shall prescribe the form in which applications for changes of zone boundaries or classifications or for variances are made. It may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the petitioner. No petition shall be received unless it complies with such requirements. If signatures of persons other than the owners of property making the application are required or offered in support of, or in opposition to, the application, they may be received as evidence of notice having been served upon them of the pending application or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the County of Tulare.

Petitions or applications filed pursuant to this Ordinance shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the Planning Commission, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with affidavits of posting, mailing or publication pertaining thereto.

(Note: Third paragraph under "Petitions" repealed by Ord. No. 1217, effective 7-1-78.)

FEES

To defray the expense incidental to the proceedings, applicants for the following permits, site plans, variances and zone changes, shall pay the following fees:

Change of Zone	\$ 895.00
Zone Variance	\$ 465.00
Special Use Permit authorized to be processed by the Zoning Administrator pursuant to subsection D of Part II of Section 16 of this Ordinance except for Special Use Permits for temporary use of mobilehomes and recreation vehicles and except for special use permits which are determined to be categorically exempt from the California Environmental Quality Act, which are covered hereinbelow.	\$ 435.00

Special Use Permit for temporary use of one (1) mobilehome or one (1) recrea- tional vehicle in zones which do not allow mobilehomes or recreation vehicles as per- mitted uses, pursuant to sub- section B of Part II of Section 16 of this Ordinance	\$ 205.00
Special Use Permit authorized to be processed by the Zoning Administrator pur- suant to subsection D of Part II of Section 16 of this Ordinance which are determined to be cate- gorically exempt from the require- ments of the California Environ- mental Quality Act of 1970, as amended	\$ 320.00
Special Use Permit pursuant to paragraph 35 of subsection A of Section 14 of this Ordinance	\$ 930.00
Preliminary Development Plan for Planned Unit Development pursuant to paragraph 1 of subsection F of section 18.5 of this Ordinance, except that no fee shall be required if filed in conjunction with a preliminary subdivision map	\$ 405.00
Permit for Planned Unit Development pursuant to Section 18.5 or Planned Development pursuant to Section 18.6 of this Ordinance	\$ 1,505.00 (plus any applicable fees for sub- division and less any fees paid for a preliminary development plan)
All Other Special Use Permits authorized by this Ordinance	\$ 930.00

Preliminary Site Plan \$ 180.00
when Site Plan Review
Committee is authorized
to take final action

Preliminary Site Plan \$ 110.00
when Site Plan Review Committee
is acting in an advisory capacity,
except that no fee shall be
required for a Preliminary Site
Plan when submitted in conjunction
with a Preliminary Parcel Map or
Preliminary Subdivision Map

Final Site Plan \$ 135.00

Application for Waiver of Information \$ 37.50
required on or with a Preliminary
or Final Site Plan

Application for Extension of Time \$ 75.00
for special use permits and planned
unit development permits approved
by the Planning Commission

Application for Extension of Time \$ 37.50
for special use permits approved
by the Zoning Administrator

The aforementioned fees shall be paid at the same time the application is filed for such permit, site plan, variance or zone change and no part of said fees shall be returned to the applicant if he subsequently withdraws his application. However, if a person who wishes to apply, or who has applied for a permit, site plan, variance or zone change believes that special circumstances exist that make it inequitable or unreasonable for the County to charge an application fee, or retain an application fee previously paid, he may request a waiver of said fee or a refund of the fee paid and said request shall be processed in accordance with sections 107 and 108 of the Ordinance Code of Tulare County. (Section entitled "FEES" added by Ord. No. 1217, effective 7-1-68; amended by Ord. No. 1345, effective 9-30-69; amended by Ord. No. 1366, effective 4-2-70; amended by Ord. No. 1540, effective 1-11-73; amended by Ord. No. 2165, effective 10-12-78; amended by Ord. No. 2438, effective 10-1-81; amended by Ord. No. 2446, effective 11-5-81; amended by Ord. No. 2492, effective 8-26-82; amended by Ord. No. 2591; effective 3-15-84; amended by Ord. No. 2665, effective 9-12-85; amended by Ord. No. 2727, effective 10-16-86; amended by Ord. No. 2796, effective 10-24-87.)

NOTICES

All proposals for amending zone boundaries or classifications of property uses within such zones as are defined by this Ordinance shall be set for public hearing by the Secretary of the Planning Commission. Not less than ten (10) days prior to the public hearing, the Secretary of the Planning Commission shall cause notice of hearing to be given in accordance with section 65854 of the Government Code of the State of California.

All applications for variances and special use permits as provided in this Ordinance including proposed revocations or modifications of variances and special use permits shall be set for public hearing by the Secretary of the Planning Commission. Not less than ten (10) days prior to the public hearing, the Secretary of the Planning Commission shall cause notice of hearing to be given in accordance with section 65905 of the Government Code of the State of California. (Amended by Ord. No. 1169, effective 10-26-67; amended by Ord. No. 2647, effective 2-28-85.)

INVESTIGATIONS

The Planning Commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon such application set for hearing, including an analysis of precedent cases, as will serve to provide all necessary information to assure action on each case consistent with the purpose of this ordinance and with previous amendments or variances.

If a special use permit or variance will allow a use of real property which is subject to review by the Site Plan Review Committee under Section 16.2 of this Ordinance, the Planning Commission shall notify the Site Plan Review Committee of the fact that the permit or variance is under consideration. No decision of the Planning Commission on a special use permit or variance subject to review by the Site Plan Review Committee shall be made unless and until the Site Plan Review Committee submits a written report as required by this Ordinance. (Amended by Ord. No. 2417, effective 5-28-81.)

HEARINGS

Public hearings as provided in this Section shall be conducted before the Planning Commission, or before any member thereof designated by the whole Commission so to serve. The Commission may establish its own rules for the conduct of public hearings and the members of the Commission presiding at any such hearing is hereby empowered to administer oaths to any person testifying before it.

Summary of all pertinent testimony offered at a public hearing and the names of persons so testifying shall be recorded and made a part of the permanent files of the case as provided for in the first paragraph of this Section entitled, "Petitions".

If, for any reason, testimony on any case set for public hearing cannot be completed on the day set for such hearing, the Commissioner presiding at such public hearing may, before the adjournment or recess thereof, publicly announce the time and place to, and at which, said hearings will be continued and such announcement will serve as sufficient notice of such continuance and without recourse to the form of public notice as provided for in the first instance by this Section.

Upon the completion of a public hearing, the Planning Commission shall, not later than thirty-five (35) days thereafter, render its decision on the matter so heard. Failure to so act within said thirty-five (35) days shall serve to automatically and immediately refer the whole matter to the Board of Supervisors for such action as it deems warranted under the circumstances. In the event of such failure on the part of the Planning Commission to act, the Secretary of the Planning Commission shall immediately deliver to the Board of Supervisors all the records of the matter involved.

The Planning Commission shall announce and record its action by formal resolution, and such resolution shall recite the findings of the Planning Commission upon which it bases its decision.

Not later than ten (10) days after final action by the Planning Commission on an application, notice of the decision in the matter shall be mailed to the applicant at the address shown upon the application. The decision of the Planning Commission in administrative matters of granting or denying the variance as provided in Paragraph 1 of Section 16 shall be final.

In the case of a variance of special use permit granted under the limitations of Part II of Section 16, the following procedures shall govern:

- a. Except as herein provided, all appeals regarding variances or special use permits shall be subject to the provisions of Section 115 of the Ordinance Code of Tulare County.
- b. Any person adversely affected by a decision of the Planning Commission on the special use permit or variance may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) calendar days after the date on which the decision of the Planning Commission was made. An appeal shall specifically set forth the grounds for the appeal. Notice of the appeal hearing shall be given by the Clerk of the Board of Supervisors in the same manner as that required for hearing on variances before the Planning Commission.

Action on the appeal shall be taken in accordance with section 65903 of the Government Code and the Board of Supervisors shall give the required notices under section 65863.5 of the Government Code.

- c. The decision of the Planning Commission shall become final ten (10) calendar days after the date the decision is made if no appeal had been filed pursuant to paragraph "a" above. When no appeal has been filed, the Planning Commission shall give the required notices under section 65863.5 of the Government Code on behalf of the Board of Supervisors. (Amended by Ord. No. 2179, effective 11-23-78; amended by Ord. No. 2545, effective 7-28-83.)

The decision of the Planning Commission in the legislative matter of amending zone boundaries or use classifications or other matters established by this Ordinance shall be advisory only. Once a decision is made on an application involving an amendment, then not later than ten (10) days after final action by the Planning Commission thereon, its recommendation shall be delivered to the Board of Supervisors. In addition, not more than ten (10) days after the action by the Planning Commission the applicant shall be notified by mail of the Commission's decision. The Board of Supervisors shall dispose of the matter in the manner prescribed by law. If the Planning Commission has recommended against adoption of the amendment, the Board of Supervisors shall not be required to take any further action thereon unless an interested party has requested a public hearing in accordance with section 65856 of the Government Code. Notice of such requested hearing shall be given by the Clerk of the Board of Supervisors in the same manner as notice was given for the public hearing before the Planning Commission. Except as otherwise provided by law, any such requested hearing shall be in accordance with section 115 of the Ordinance Code of Tulare County. Action by the Board of Supervisors shall be in accordance with section 65857 of the Government Code. (Amended by Ord. No. 2545, effective 7-28-83.)

EXPIRATION OF APPROVAL

All special use permits and planned unit development permits approved under this Ordinance shall automatically expire and become null and void two (2) years after the date upon which the permit was granted by the Planning Commission or Zoning Administrator, unless the applicant, or his or her successor, has actually commenced the use authorized by the permit within said two (2) year period. Upon application by the applicant, or his or her successor, the decision-making body which originally approved the permit (Planning Commission or Zoning Administrator) may grant one or more extensions of said two (2) year period provided that no extension may exceed a period of two (2) years in duration. If the Commission or Zoning Administrator denies an application for extension, the applicant may appeal to the Board of Supervisors pursuant to the procedure and

within the time limits set forth in this section for appeals of decisions on special use permits and variances. (Added by Ord. No. 2591, effective 3-15-84.)

REVOCATIONS AND MODIFICATIONS

A special use permit, planned unit development permit or variance may be revoked or modified for cause as provided by the provisions of this subsection. For purposes of this subsection, the modification of a permit or variance may include the modification of the terms of the permit itself or the waiver, alteration of imposition of new conditions pursuant to Section 16, Part II B and C. (Subsection added by Ord. No. 2719, effective 8-28-86.)

- a. Grounds for Revocation or Modification. A permit or variance may be revoked or modified pursuant to the provisions of this subsection upon a finding of any one or more of the following grounds:
 1. That such permit or variance was obtained or extended by fraud.
 2. That one or more of the conditions upon which such permit or variance was granted have been violated.
 3. That the use for which the permit or variance was granted is so conducted as to be detrimental to the public health, welfare, or safety, or as to be a nuisance.
- b. Initiation of Action. An action to revoke or modify a permit or variance may be initiated by order of the Board of Supervisors, Planning Commission, or the Zoning Administrator, whichever granted, extended or modified the permit, on its own motion or on the request of any County Officer; provided, however, that the Board of Supervisors may initiate an action to revoke or modify any permit or variance granted or modified by either the Zoning Administrator or Planning Commission. The order shall set forth grounds for revocation or modification.
- c. Other Provisions Applicable. The same procedures shall be followed in processing an action for the revocation or modification of a permit or variance as are applicable to a new permit or variance under this section including, but not limited to, the public notices, hearings and appeal rights set forth in this section, and the same body shall take final action on the revocation or modification as previously took final action on the original permit or variance.

DISCONTINUANCE

Each special use permit, planned unit development permit or variance granted pursuant to this Ordinance shall expire and become null and void at the expiration of two (2) years after the purpose for which it was granted shall have been

discontinue or abandoned. However, upon application by the applicant, or his or her successor, the decision-making body which originally approved the permit or variance may extend the expiration date in accordance with the procedures set forth in the sixth paragraph of this Section entitled, "Expiration of Approval." (Subsection added by Ord. No. 2719, effective 8-28-86.)

**ORDINANCE
NO. 2719:**

NOTE: Section 10 of Ordinance No. 2719, effective 8-28-86, provides as follows:

It is the intent of the Board of Supervisors of the County of Tulare that the provisions of Section 9 of this Ordinance (refers to the paragraphs entitled REVOCATION AND MODIFICATION and DISCONTINUANCE) be applicable to all special use permits, planned unit development permits and variances which have been issued, granted or approved by the County of Tulare since the effective date of Ordinance No. 352, the Zoning Ordinance, except that the paragraph entitled "DISCONTINUANCE" shall not be applicable until two (2) years following the effective date of this ordinance. (Ordinance 2718 was effective on August 28, 1986; therefore, the DISCONTINUANCE paragraph is effective August 28, 1988.)

SECTION 18.5: PLANNED UNIT DEVELOPMENT
(Added by Ord. No. 1176, effective 12-14-67.)

PURPOSE

- A. In certain instances the objectives of the Zoning Ordinance may be achieved by the development of planned units which do not conform in all respects with the land use pattern designated on the zoning map or the zoning regulations prescribed by this Ordinance. A planned unit development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. In order to provide locations for all well-planned developments which conform with the objectives of the zoning plan, although they deviate in certain respects from the zoning map and the zoning regulations, use permits may be granted for planned unit developments, provided the developments comply with the regulations prescribed in this Section.

PERMITTED USES

- B. A planned unit development shall include only those uses permitted either as permitted uses or special uses in the zone in which the planned unit development is located, subject to the following exceptions:
1. Any use permitted in an O, R-A, R-1, R-2, R-3, P-O or C-1 Zone, either as a permitted use or special use, or any combination of such uses, may be included in a planned unit development located in an O, R-A, R-1, R-2, R-3, P-O or C-1 Zone. The uses permitted in the M Zone are also permitted in a planned unit development located in an O, R-A, R-1, R-2, R-3, P-O or C-1 Zone.
 2. Any use permitted in an M-1 or M-2 Zone as a permitted use, special use, or a use referred to in paragraph 35 of subsection A of Section 14 of this Ordinance, or any combination of such uses, may be located in a planned unit development located in an M-1 or M-2 Zone.
 3. Any use permitted in an O, P-O, C-2 or M-1 Zone either as a permitted use or special use, or any combination of such uses, may be included in a planned unit development located in a C-2 Zone.

SITE AREA

- C. The minimum site area for a planned unit development shall be five (5) acres.

STANDARDS

- D. The standards of site area and dimensions, site coverage, yard spaces, height of structures, distances between structures, off-street parking and off-street loading facilities and landscaped areas need not be

equivalent to the standards prescribed by the regulations for the zone in which the planned unit development is located if the applicant has demonstrated by his design proposal that the objectives of the Zoning Ordinance and the objectives of this Section will be achieved.

The average population density may exceed the maximum population density prescribed for the zone and the maximum population density indicated by the General Plan if the applicant can demonstrate by his design proposals that the objectives of this Section will be achieved. If the planned unit development involves a subdivision of land, the applicant must show what changes in conventional street and lot design will be necessary to achieve his goal.

ZONING

- E. A permit for a planned unit development shall only be granted when all of the property included in the proposed development has been zoned to the most restrictive zone which will allow all of the proposed uses in the development under subsection B of this Section.

PERMIT PROCEDURE

- F. Permits for planned unit developments shall be applied for and processed pursuant to the procedure for granting special use permits referred to in paragraph B of Part II of Section 16 of this Ordinance, subject to the following exceptions.

1. Prior to submitting the application, an applicant shall submit to the Building and Planning Director a preliminary development plan of the entire planned unit development drawn to scale and showing the various elements required in paragraph 2 herein. If the planned unit development is a subdivision, the preliminary development plans shall be filed and processed in accordance with Article 3 of Chapter 1 of Part VII of the Ordinance Code of Tulare County. If the planned unit development is not a subdivision, the preliminary development plan shall be filed and processed in accordance with the requirements for preliminary site plans in Section 16.2 of this Ordinance. The application for the planned unit development permit shall not be filed until a written report of the recommendations of the Site Plan Review Committee has been prepared and furnished to the applicant.
2. The application shall be accompanied by a development plan for the entire planned unit development, drawn to scale and showing the following: contours of the site in intervals of not more than five (5) feet; provisions for draining of surface waters; water courses; railroad and public utility rights-of-way; streets, driveways

and pedestrian walks; off-street parking and loading facilities; reservations and dedications for public uses; private uses including dwelling types, lot layout, locations and heights of structures, and landscaped area.

3. In addition to the data and drawings prescribed, the application shall be accompanied by a tabulation of the area proposed to be devoted to each land use and a tabulation of the average population density per net acre and per gross acre in any areas proposed to be devoted to residential use.
4. The Commission may recommend that the Board of Supervisors grant a permit for a planned unit development as the permit was applied for, or in modified form, if on the basis of the application and the evidence submitted, the Commission makes the following findings:
 - a. That the proposed location of the planned unit development is in accordance with the objectives of this Ordinance and the purposes of the zone in which the site is located.
 - b. That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
 - c. That the proposed planned unit development will comply with each of the applicable provisions of this Ordinance.
 - d. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of this Ordinance.
 - e. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the

vicinity can carry without congestion and will not overload utilities.

5. When the proposed planned unit development does not comply with the requirements of this section, the Commission may recommend that the Board of Supervisors deny the permit or may recommend that the permit be granted subject to such conditions as will assure compliance with the requirements of this Section. (Amended by Ord. No. 2591, effective March 15, 1985.)

SECTION 18.6: PD, PLANNED DEVELOPMENT ZONE
(Added by Ord. No. 2417, effective 5-28-81.)

PURPOSE

- A. In certain instances, the objectives of the General Plan and Zoning Ordinance are best achieved by the development of parcels of land in a coordinated and comprehensive fashion so as to take advantage of the superior environment which can result from large scale community planning and development. The purposes of the PD Zone are to:
1. Provide for design flexibility in single-family, multi-family, commercial, professional, industrial and mixed use developments.
 2. Stimulate a more desirable living and working environment than would be permitted by the strict application of zoning regulations on a conventional individual-use or lot-by-lot method.
 3. Encourage innovative and creative approaches to land use and development.
 4. Provide the means to reduce development costs through the promotion of improved and integrated design and land planning techniques.
 5. Conserve natural features and open space, while facilitating aesthetic and compatible land use patterns.
 6. Implement general and specific plans which require a planned development approach.
 7. Provide an alternative means of achieving the purpose of Section 18.5 of this ordinance.

APPLICATION

- B. The PD Zone shall be established on the County Zoning Map in the same manner as other zones created and established under this ordinance. The PD Zone may not be established on the Zoning Map unless it is combined with another zone.

USE

- C. 1. When established in combination with any of the following combining zones, no building or land shall be used, no building shall be hereafter erected or structurally altered, and no construction, grading or disturbance of land for construction purposes shall be initiated except for uses as set forth in the combining zone:

F, Foothill Combining Zone

2. When established in combination with any of the other zones described in this ordinance, only those uses permitted either as permitted uses or special uses in the zone which is combined with the PD Zone shall be permitted; provided, however, that this requirement shall not be applicable to planned developments approved in accordance with Subsection G of this Section. No building or land shall be used, no building shall be hereafter erected or structurally altered, and no construction, grading or disturbance of land for construction purposes shall be initiated unless approved in accordance with paragraph 2 of Subsection F of this Section; provided, however, that the uses set forth in paragraphs 1 and 2 of Subsection D of this Section shall not be subject to this requirement.

SITE PLAN REVIEW

- D. Unless otherwise specified in a zone combined with the PD Zone, no building or relocation permit shall be issued or tentative subdivision map, tentative parcel map or special use permit approved, nor shall any final surveys of streets and lots or any grading or construction work be allowed until a final site plan has been reviewed and approved or recommended for approval by the Site Plan Review Committee in accordance with the procedures set forth in Section 16.2 of this ordinance. However, when the PD Zone is combined with any of the zones set forth in Sections 4 through 14.8 of this ordinance, a site plan shall not be required for any of the following buildings or uses when otherwise allowed by the zone combined with the PD Zone.

1. One (1) single-family residence or mobilehome and buildings accessory thereto on a single lot or parcel.
2. Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber.

SPECIFIC PLANS

- E. Notwithstanding other provisions of this ordinance, where a specific plan prepared pursuant to Section 65460 et seq. of the Government Code of the State of California has been adopted for any area or tract of land in the PD Zone, no special use permits shall be required for any use of land which is consistent with the adopted specific plan. However, approval of a final site plan by the Site Plan Review Committee shall be required for any such use in the manner provided in Paragraph 1 of Subsection G of Section 16.2 of this ordinance.

**DEVELOPMENT
STANDARDS**

- F. 1. If the PD Zone is combined in the Zoning Map with any of the combining zones set forth in paragraph 1 of Subsection C of this Section, the development standards which are described in said combining zones shall be applicable to development projects within the PD Zone.
2. If the PD Zone is combined on the Zoning Map with any of the other zones described in this ordinance, the development standards applicable in the PD Zone shall be established by at least one of the following methods:
- a. Approval of a Specific Plan pursuant to Sections 65450 et seq. of the Government Code of the State of California.
 - b. Approval of a Planned Development pursuant to Subsection G of this Section.
 - c. Approval of a development agreement pursuant to Section 65864 et seq. of the Government Code of the State of California.

**PLANNED
DEVELOPMENTS**

- G. 1. The provisions of this subsection shall only be applicable to those development projects for which development standards are to be established pursuant to subparagraph b of paragraph 2 of subsection F of this Section.
2. A planned development as used in this section means an integrated development project in which the land and structures are planned and developed as a whole in a single development operation or a series of operations in accordance with a detailed, comprehensive plan encompassing such elements as the location of structures, the circulation pattern, parking facilities, open space and utilities, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for the common use of the persons occupying or utilizing the property.
3. Regardless of the provisions of the zone with which the PD Zone is combined, a planned development may include a combination of different dwelling types and/or a variety of land uses which complement each other and harmonize with existing and proposed land uses in the vicinity. A planned development may contain any use or mixture of uses whatsoever provided that the uses are consistent with the General Plan.

4. In order to assure that planned developments conform with the objectives of this ordinance and the general plan a use permit shall be required for any planned development in the PD Zone in accordance with the procedures set forth in Subsection B of Part II of Section 16 of this ordinance.
5. The Commission shall not approve or conditionally approve a use permit for a planned development unless on the basis of the evidence submitted, the Commission makes the following findings:
 - a. The planned development, together with the provisions for its design and improvement, is consistent with the general plan and the objectives of this ordinance.
 - b. The planned development would not be detrimental to the public health, safety or welfare, or materially injurious to property or improvements in the vicinity.
 - c. The planned development will not result in any significant environmental effects or any significant environmental effects thereof have been reduced to an acceptable level.

SECTION 18.7: F, FOOTHILL COMBINING ZONE
(Added by Ord. No. 2417, effective 5-28-81.)

PURPOSE

A. The F Zone is intended to be combined with the PD Zone for use within areas designated as "Development Corridor" or "Foothill Extension" by the Foothill Growth Management Plan, an element of the Tulare County General Plan. The purposes of this zone are as follows:

1. To provide for a flexible and streamlined processing procedure for review and approval of development proposals in the Foothill region of Tulare County.
2. To allow for development within the foothills which varies in density and which is designed in a manner which recognizes, and takes into account, the physical limitations, visual amenities, and natural resources of the foothills.
3. To implement the goals, objectives, policies and development standards set forth in the Foothill Growth Management Plan.

This district is designed to include various types of land uses, such as single-family residential developments, multi-family residential developments, multi-family housing developments, commercial centers, light industrial parks and public or quasi-public uses or combination of uses, through the site plan review process set forth in Section 16.2 of this ordinance. The F Zone shall only be applied to the Zoning Map when in combination with the PD Zone.

USE

B. No building or land shall be used, and no building shall be erected or structurally altered, except for the following uses:

**Uses Permitted
Without Site Plan
Review**

1. a. Residential uses as follows, provided that the applicable building height, yard, setback and off-street parking requirements set forth in Subparagraphs a and e of paragraph 4 of Subsection F of this Section shall be complied with:
 - (1) One (1) one-family dwelling and accessory building on an individual lot or parcel, or
 - (2) If the F Zone is combined with the M, Special Mobilehome Zone, one (1) mobilehome and accessory building on an individual lot or parcel, and

- (3) One (1) additional residence for each eighty (80) acres in the entire property. Such additional residences shall be occupied only by relatives of the owner or by farm employees who work on the property.
- b. Growing and harvesting of field crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the operation of plant nurseries and greenhouses for producing trees, vines and other horticultural stock.
- c. Raising and slaughter of rabbits and other similar fur bearing animals. To determine the total number of said animals that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of said animals that can be raised on the property. In addition, any offspring of the animals allowed under this paragraph may be retained until they are weaned.
- d. Raising and slaughter of poultry. To determine the total number of poultry that can be raised, the total number of square feet in the entire property shall be divided by twelve thousand five hundred (12,500). If the quotient is not a whole number, it shall be increased to the next higher whole number. Said quotient shall then be multiplied by twenty-four (24) and the product is the number of poultry that can be raised on the property.
- e. Raising of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds, subject to the following restrictions:
- (1) None of the aforementioned animals may be raised if there is less than twelve thousand five hundred (12,500) square feet in the entire property.
- (2) One (1) of the aforementioned animals may be raised if there is twelve thousand five hundred (12,500) square feet in the entire property and one (1) additional animal may be raised for each

additional full twelve thousand five hundred (12,500) square feet in the entire property. Any offspring of the animals allowed under this subparagraph may be retained until they reach the normal age for weaning.

(3) No feed lots may be maintained.

f. Name plates and signs as follows:

(1) One (1) unlighted sign not exceeding six (6) square feet in area pertaining only to the sale, lease, or hire of only the particular building, property or premises upon which displayed.

(2) One (1) sign not larger than twelve (12) square feet, identifying and advertising products produced on the premises as permitted in this Section.

(3) Name plates not exceeding two (2) square feet in area containing the name and occupation of the occupant of the premises.

(4) Identification signs not exceeding twenty (20) square feet in area for multiple dwellings, hotels, clubs, lodges, hospitals, institutions and similar uses.

g. Storage of petroleum products for use on the premises.

**Uses Requiring
Site Plan Review**

2. The following uses shall be permitted in this zone only if a site plan is approved pursuant to the procedure set forth in paragraph 1 of subsection G of Section 16.2 of this ordinance:

a. Group houses not exceeding four (4) dwelling units on the same lot or parcel.

b. If the F Zone is combined with the M, Special Mobilehome Zone, more than one (1) mobilehome or combination of mobilehome and other dwellings as follows:

(1) One (1) or two (2) mobilehomes on a lot or parcel occupied by a permanent dwelling or dwellings; provided, however, that the total number of dwelling units on the same lot or parcel shall not exceed four (4).

- (2) One (1) mobilehome on a lot or parcel occupied by not more than one (1) mobilehome.
- c. Two-family or multiple dwellings not exceeding four (4) dwelling units on the same lot or parcel.
- d. Accessory buildings and uses customarily incidental to any of the above uses, when located on the same lot and not involving the conduct of a business, including servants' quarters and private or storage garage constructed as a part of the main building.
- e. Private, low-intensive recreation uses and accessory facilities which are not available to members of the public on a commercial basis, including but not limited to fishing and hunting clubs, lodges and summer camps. The specific types of private recreation activities and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of this ordinance.
- f. Signs:

Any outdoor advertising display signs except for those on-site signs and set forth in paragraph 1 of this subsection.

Special Uses

- 3. The following uses shall be permitted in this zone only if a use permit is first secured pursuant to the procedures referred to in Part II Of Section 16 of this ordinance. Prior to filing such use permits, the applicant shall file a site plan for review and recommendation by the Site Plan Review Committee pursuant to the procedures set forth in paragraph 2 of subsection G of Section 16.2 of this ordinance.
 - a. Residential uses:
 - (1) Group houses exceeding four (4) dwelling units on the same lot or parcel.
 - (2) Two-family or multiple dwellings exceeding four (4) dwelling units on the same lot or parcel.
 - (3) Boarding and lodging houses.

(4) Hotel or apartment hotel when located with a recreation development as set forth in subparagraph b of this paragraph.

(5) Mobilehome park.

b. Recreation uses:

Private or commercial recreation uses, businesses and associated facilities located in conformance with the Foothill Growth Management Plan, including but not limited to resorts, overnight lodging facilities, tourist-related eating and drinking establishments, entertainment establishments and various types of outdoor recreation activities. The specific types of recreation activities and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of this Ordinance.

c. Commercial uses:

Neighborhood commercial centers containing stores, shops and businesses featuring the retail sales of commercial goods and services which are designed to meet the day to day needs of local residents, including but not limited to convenience sales and personal services, eating and drinking establishments and food and beverage retail sales. The specific types of commercial activities and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of this ordinance.

d. Light industrial uses:

Any kind of light, nonpolluting manufacturing, processing, storage or treatment of products other than those which may be obnoxious or offensive by reason of odor, dust, smoke, gas, noise or other similar causes. The specific types of light industrial activities and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of Subsection A of Section 15 of this ordinance.

e. Public and quasi-public:

Buildings and uses of a public or quasi-public character, including but not limited to cemeteries, churches, medical facilities, educational institutions, and governmental buildings and grounds. The specific types of public and quasi-public buildings and uses permitted in this subparagraph shall be determined in the manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of this ordinance.

f. Extractive:

Borrow pit and any mining or extractive of metals, minerals, oil, gas or hydrocarbons together with necessary buildings, apparatus and appurtenances incidental thereto; provided, however, that no use permit shall be required if a surface mining permit and/or reclamation plan is required under the provisions of Section 7700 et seq. of the Ordinance Code of Tulare County. If a surface mining permit and/or reclamation plan is required, a site plan review pursuant to paragraph 2 of subsection G of Section 16.2 of this ordinance shall also be required.

g. Public utilities, communications and transportation.

Public utility, communication and transportation uses and facilities including but not limited to airports, heliports, electrical distribution, substations and communications towers. The specific types of public utility, communications and transportation uses and facilities shall be determined in a manner prescribed in subparagraph b of paragraph 1 of subsection A of Section 15 of this ordinance.

Uses Within Agricultural Preserves

4. Regardless of the provisions of paragraphs 1, 2, and 3 of this subsection, the use of land within Agricultural Preserves established pursuant to the California Land Conservation Act of 1965 as amended (Section 51200 et seq. of the Government Code of the State of California) shall be restricted to uses which were set forth in the Uniform Rules adopted for the Agricultural Preserves; provided, however, that no use shall be allowed which is not otherwise permitted under paragraphs 1, 2, and 3 of this subsection. In addition, no use shall be permitted within such

preserves which is incompatible with the agricultural use of the land within the preserve. Further, any use of land permitted under this paragraph which is also subject to the site plan review and/or special use permit requirements set forth in paragraphs 2 and 3 of this subsection, shall be permitted only after a site plan and/or special use permit is approved, all in accordance with said paragraphs 2 and 3. (Paragraph 4 added by Ord. No. 2443, effective 10-29-81.)

Divisions of Land C.

All real property, improved or unimproved, which is shown on the latest adopted county tax roll as a unit or as contiguous units and which is owned by the same person or persons shall not be divided, after F zoning is applied, unless a site plan for such division of land is first filed for review and recommendation by the Site Plan Review Committee in accordance with the procedure set forth in paragraphs 2, 3, and 4 of subsection G of Section 16.2 of this ordinance; provided, however, that the following transactions are not subject to this requirement:

1. Any division of land into two (2) parcels, each of a gross area of eighty (80) acres or more.
2. Any conveyance made or required by court decree and intestate or testamentary dispositions of land.
3. Any conveyance to or from the State of California, any city or county, any political subdivision of the State of California or any public utility subject to regulation by the State Public Utilities Commission. However, this exception does not apply to conveyances to any of said entities, including the State Department of Veterans Affairs, which are financing transactions.
4. Any conveyances or oil, gas or mineral rights.
5. Lot line adjustments which are subject to the procedure set forth in Sections 7112 et seq. of the Ordinance Code of Tulare County.
6. Any division of land for the purpose of financing on-site improvements which are permitted without site plan review under paragraph 1 of Subsection B of this Section.
7. Any division of land for the purpose of leasing agriculture land for agricultural purposes. As used in this paragraph, "agricultural purpose" means the cultivation of food or fiber or the grazing or pasturing of livestock.

8. Any conveyance of lots or units as follows:
 - a. lots or units shown on a final subdivision or parcel map recorded in the Office of the Tulare County Recorder.
 - b. lots or units shown on a parcel map when the recordation of the final parcel map has been waived.
 - c. lots or units shown on an approved lot split map under the former County Ordinance establishing lot split procedures which do not authorize recordation of a final map.

SPECIAL FILING
REQUIREMENTS
Preliminary Site
Plans

D.

1. In addition to the requirements of Section 16.2 of this ordinance, any preliminary site plan filed for property within the F Zone shall be accompanied by the following additional statements:
 - a. The preliminary geological-hydrological report required in Section 16.2 of this ordinance shall contain the following additional information:
 - (1) If sewage disposal systems are proposed which utilize leach lines, seepage pits or other similar means of disposal of liquid waste effluent in a soil medium, percolation tests shall be submitted which are conducted in accordance with the Manual of Septic Tank Practice (U.S. Department of Health, Education, Welfare and Public Health 1969).
 - (2) Depth-bedrock test results (soil borings) not to exceed fifteen (15) feet in depth. A sufficient number of tests shall be conducted to permit a reasonably accurate determination regarding the depth and character of the soils in the area proposed for development.
 - (3) Soil types existing on the subject site based on information secured from the Soil Conservation Service, U.S. Department of Agriculture or field tests conducted under the direction of a registered civil engineer, geologist or soils scientist.

- (4) Data pertaining to the constant pumping of an on-site test well over a forty-eight (48) hour period.
- b. A map drawn to a scale of one (1) inch equals one-hundred (100) feet with contours plotted at 5-foot intervals, showing slopes in the following categories:
 - (1) Areas with slopes averaging thirty percent (30%) or more in grade.
 - (2) Areas with slopes ranging from fifteen percent (15%) to twenty-nine percent (29%) in grade.
 - (3) Areas with slopes of less than fifteen percent (15%) in grade.

Final Site Plans

- 2. In addition to the requirements of Section 16.2 of this ordinance, any final site plan filed for property within the F Zone shall be accompanied by the following additional statements and plans:
 - a. A grading and slope stabilization plan prepared by a licensed civil engineer for that portion of the site which is to be disturbed. The grading and slope stabilization plan shall contain the following information:
 - (1) A contour map showing proposed property lines, if applicable, and existing and proposed ground elevations and natural drainage channels.
 - (2) A plan for slope stabilization. If the plan includes landscaping, the types of landscaping materials to be used shall be provided.
 - (3) The location of all native trees in the area to be disturbed which have a trunk diameter of six (6) inches or more at a point measured at three (3) feet above ground surface.
 - (4) The method of foundation construction.
 - b. A general development plan indicating how the construction of the project will be phased and time estimates for completion of construction.

- c. A drainage plan that indicates the pattern of storm water run-off and explains how natural water courses will be protected against sediment overloading and contamination.
- d. A fire protection plan which indicates how potential hazards of structural or wildland fire will be minimized.
- e. For any non-residential development, a landscaping and parking plan shall be provided.

SPECIAL FINDINGS

- E. In addition to the findings required in Section 16.2 of this ordinance, the Site Plan Review Committee shall also make the following findings with regard to any site plan approved or recommended for approval for any project in the F Zone:
 - 1. That the proposed use of land is consistent with the land use and circulation plan as set forth in the Foothill Growth Management Plan.
 - 2. That the density of uses delineated on the site plan do not exceed the holding capacity of the site as determined by the physical limitations described in the final geological-hydrological report.
 - 3. That the proposed site plan conforms to all policies and development standards set forth in this Section and the Foothill Growth Management Plan.

DEVELOPMENT STANDARDS

- F. The following development standards shall be applicable to any project which is subject to site plan review in this zone.

Residential Density

- 1. The residential density of any new project shall be determined following an analysis of the following factors:
 - a. The quantity of water available for domestic and fire protection purposes based on the water demand specifications provided by the Health Department and the County Fire Warden.
 - b. Consistency with the slope constraint standards set forth in the Foothill Growth Management Plan.
 - c. An analysis of the consistency of the proposed development project with the goals and policies of the Foothill Growth Management Plan.

Open Space

2. Any portion of a development site which is adjacent to a water course area, within an intermediate regional flood plain, contains undeveloped slopes of thirty percent (30%) or more, or exhibits environmental, archaeological or historical sensitive areas, shall remain in open space.

Land Alteration

3. Where any portion of a development site is proposed to be graded, improved or otherwise disturbed by reason of construction activity, the following standards shall be applicable:

a. Grading standards:

- (1) All disturbed slopes shall be graded so that they are contoured to harmonize and blend with the natural slopes remaining on the site and surrounding the development site.
- (2) The slope of exposed cuts and fills shall meet the standards established in the Improvement Standards of Tulare County as adopted pursuant to Section 7080 of the Ordinance Code of Tulare County and as said improvement standards are amended from time to time.
- (3) Where soil materials are remaining on any graded slope and stabilization is required on the slope stabilization plan, such soil areas shall be planted with vegetation types sufficient to stabilize slopes and prevent erosion. Plant materials natural to the site and surrounding areas shall be used wherever possible.
- (4) All slopes stabilization and erosion protection activities associated with the development project shall be completed immediately after grading has been concluded and before the first day of December of any calendar year. No grading activities associated with a development project shall be undertaken between December 1 and March 1 unless the applicant can demonstrate that the slope stabilization and erosion prevention methods to be utilized will be effective in eliminating any slope and erosion problems.
- (5) All lots and parcels shall be designed in a manner that minimizes future grading or land disturbance.

- (6) Where two or more cut or fill slopes intersect, the area of intersection shall be graded and shaped to closely resemble natural topography. This requirement is not applicable to cut or fill slopes composed entirely of rock material.
- (7) Where any cut or fill slope intersects with the natural grade of the land, the area of intersection shall be graded and shaped to closely resemble natural topography. This standard is not applicable to cut or fill slopes composed entirely of rock material.
- (8) Fill slopes shall not extend into natural water courses or constructed channels. Excavated materials shall not be stored in water courses.

b. Erosion control requirements:

- (1) Water born sediment shall be retained on the site by means of facilities such as sediment basins and sediment traps. The drainage plan required under paragraph 2 of subsection D of this section shall set forth the proposed facilities for retaining water born sediment on the subject site.
- (2) Immediately following completion of grading or excavation activities, temporary mulching, seeding or other suitable stabilization methods shall be undertaken to protect exposed critical areas.
- (3) Any denuded or exposed slopes caused by construction activities shall be planted with native plant material or similar climatically adapted vegetation which are determined suitable for protecting exposed slopes from erosion.

c. Drainage requirements:

- (a) For projects located on sites containing steep slopes or tight soils, the drainage plan required under paragraph 2 of subsection D of this section shall be designed to detain as much storm water run-off as possible on the site in order to prevent potential sedimentation and flooding off the site.

- (b) Within acute flooding problem areas identified in the Foothill Growth Management Plan, said drainage plan shall be designed to retain all additional storm water run-off caused by the development within the project site.

d. Vegetation removal requirements:

- (1) Removal or grading around native trees with a trunk of six (6) inches or more in diameter measured at three (3) feet above ground surface shall not be permitted during construction unless the agency which is making the final decision on the development project finds that such tree removal or grading is necessary due to desirable circulation alignments or infrastructure requirements.
- (2) Removal of any native tree as defined in this paragraph which is located within areas restricted to open space under paragraph 2 of this subsection shall not be permitted unless the retention of such native trees would endanger the safety of residents within the development site.
- (3) Any native tree as defined in this paragraph which is proposed for removal must be indicated on or with the Site Plan and a statement shall accompany such site plan explaining why said tree or trees must be removed.

Improvement
Requirements

4. The following improvement requirements shall be applicable to any project located within the F Zone:

a. Height and setback requirements:

- (1) Height: The maximum building height shall be thirty-five (35) feet to the uppermost part of the roof, except as provided in Section 15 and 16 of this ordinance.
- (2) Front Yard: There shall be a front yard of not less than twenty-five (25) percent of the depth of the lot provided such front yard need not exceed twenty-five (25) feet.

- (3) Side Yard: On interior lots there shall be a side yard on each side of a building of not less than ten (10) percent of the width of the lot, provided that such side yard shall not be less than three (3) feet and shall not exceed five (5) feet in width. On corner lots the side yard regulation shall be the same as for interior lots except in the case of a reverse corner lot. In a case of a reverse corner lot, there shall be a side yard on the street side of the corner lot of not less than twelve and one-half (12-1/2) feet, and no accessory building on said corner lot shall project beyond the front yard line of the lot in the rear of said corner lot; provided, further, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reverse corner lot of record at the time this Section becomes effective, to less than twenty-eight (28) feet, nor to prohibit the erection of an accessory building where this regulation cannot reasonably be complied with.
- (4) Rear Yard: There shall be a rear yard of not less than five (5) feet.
- (5) Setbacks for watercourses: No building improvements whatsoever including but not limited to residences, accessory buildings, fences and septic tank or leach line systems, or any other activity associated with construction shall be permitted within fifty (50) feet of a bank of an intermittent water course and one-hundred (100) feet of a bank of a perennial water course. For purposes of applying this paragraph, the Health Department shall be responsible for determining the location of the banks of said water courses.

b. Domestic water supply systems:

- (1) No residential development project shall be approved after the effective date of this section unless there is assurance of an adequate and safe supply of water. Water may be supplied only by the means set forth in paragraphs (a) and (b) of Section 7034 of

the Ordinance Code of Tulare County. Unless the agency which is making the final decision on the development project waives the requirement for a common water system based on circumstances such as lot size, number of lots, topography, existing water systems or other overriding conditions, water service from individual wells or springs located on each lot shall not be permitted.

- (2) The requirements of item (1) of this subparagraph shall not be applicable to any parcel subdivided after the effective date of this section which is ten (10) acres or more in size and complies with Section 7034.1 of the Ordinance Code of Tulare County.
- (3) Each water system shall be designed and installed in accordance with the standards referred to in Section 7080 of the Ordinance Code of Tulare County and shall meet the requirements of and be under permit with the Tulare County Health Department.

c. Waste Water Disposal System Requirements:

- (1) Any residential development project which utilizes a waste water disposal system other than individual sewage disposal systems, such as septic tanks and leach lines, shall be required to join or form an association or community organization for purposes of monitoring and maintaining the waste water disposal system.
- (2) Any waste water disposal system shall be designed to meet the requirements of the Tulare County Health Department and the State Regional Water Quality Control Board.
- (3) An application for waste discharge shall be made with and a permit received from the State Regional Water Quality Control Board for any waste water disposal system subject to approval by the Regional Water Quality Control Board.

d. Street Design and Improvements:

- (1) All street, walkway and bike path improvements shall conform to the Tulare County Improvement Standards as adopted pursuant to Section 7080 of the Ordinance Code of Tulare County, except as modified herein.
- (2) Regardless of the provisions of the Tulare County Improvement Standards, street widths and right-of-way standards may be subject to modification by the agency which is making the final decision on the development project based on factors such as topography, soils, location of water courses, and proposed development densities.
- (3) Any proposed one-way street shall not be dedicated for public maintenance.
- (4) Privately-maintained streets may be developed to lesser street and right-of-way standards than required for county-maintained streets depending on the location and scale of development. The Site Plan Review Committee shall recommend minimum standards for such privately-maintained streets and such standards shall be made a part of the Tulare County Improvement Standards.
- (5) Regardless of the requirements of the Tulare County Improvement Standards, the required pavement width for any street may be increased by the agency making the final decision on the development project when on-street parking is likely to occur based on the characteristics of the proposed development. In addition, the pavement width requirements may be increased when concrete curb and gutter or asphalt-concrete dikes are utilized.
- (6) Any right-of-way width required in the Tulare County Improvement Standards may be reduced for projects utilizing underground utilities, when little or no cut or fill slopes are required, and when other similar circumstances exist where the full right-of-way width is not deemed necessary or appropriate to protect the public health and safety.

e. Off-street Parking Requirements:

- (1) For residential uses located in areas where on-street parking is permitted, there shall be at least two (2) off-street parking spaces on the same lot with the main building for each dwelling unit and such parking space shall be not less than eight (8) feet wide by eighteen (18) feet long, with adequate provisions for ingress and egress.
- (2) For residential uses located in areas where on-street parking is prohibited, one (1) parking space in addition to the parking requirements of item (1) of this subparagraph shall be provided for off-street guest parking. Said guest parking space shall not be less than eight (8) feet wide by eighteen (18) feet long, with adequate provisions for ingress and egress, provided further that driveways may not be utilized for said off-street guest parking.
- (3) Off-street parking and loading requirements for commercial, industrial, and other types of nonresidential uses shall be determined based upon standards adopted by the Planning Commission.

f. Fire Protection Requirements:

All site plans shall be reviewed by the Tulare County Fire Warden to assure fire protection measures and standards set forth in the Improvement Standards of Tulare County are met. In addition to said Improvement Standards, all development projects shall comply to the following conditions and standards:

- (1) Water supply for fire protection purposes shall be available in sufficient quantity and pressure to serve the project in question.
- (2) Fire retardant roofing materials shall be utilized in all new developments.
- (3) Fire resistive construction elements shall be incorporated in stilt and cantilevered construction buildings.

- (4) House numbers shall be clearly visible from the street.
- (5) Sufficient clearance of flammable vegetation around buildings shall be provided and maintained.
- (6) Fuel breaks and greenbelts shall be utilized to protect both the developed areas and adjacent undeveloped areas.
- (7) Applicants shall be encouraged to take maximum advantage of planned or existing parks, golf courses, tennis courts and other recreational areas to provide a buffer zone between development areas and non-developed areas.
- (8) All streets, either public or private, shall be designed to provide for a safe evacuation of residents and adequate access to fire and other emergency equipment.
- (9) All bridges proposed for vehicular access shall be designed for a minimum load limit of at least 40,000 pounds.
- (10) The fire protection plan required under paragraph 2 of subsection D of this section shall be submitted to the Fire Warden for approval on all development projects.

SECTION 19: INTERPRETATION - PURPOSE - CONFLICT

In interpreting and applying the provisions of this Ordinance they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties. Where this Ordinance imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this Ordinance shall control.

SECTION 20: PERMITS - LICENSES - COMPLIANCE

- A. All departments, officials, or public employees vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance. No such license or permit shall be issued for uses, buildings, or purposes which are in conflict with the provisions of this Ordinance. Any such license or permit which is issued in conflict with the provisions of this Ordinance shall be null and void. (Amended by Ord. No. 1685, effective 4-4-74.)
- B. In accordance with Section 7140-7141 of the Ordinance Code of Tulare County no permits shall be issued and no approvals shall be granted pursuant to this Ordinance for the development of real property until the Planning Director determines whether the real property involved and any divisions thereof comply with the provisions of the Subdivision Map Act and all ordinances of the County adopted pursuant thereto in effect at the time such land was divided. If said property does not fully comply with said laws and ordinances, the Planning Director shall refer the matter to the Parcel Map Committee pursuant to Section 7134 of the Ordinance Code of Tulare County and the permit shall not be issued nor the approval granted until the matter has been resolved in accordance with said Section 7134 and other related sections of Chapter 1.5 (commencing with Section 7130) of Part VII of the Ordinance Code of Tulare County. (Added by Ord. No. 1685, effective 4-4-74.)

SECTION 21: PENALTIES: NUISANCE

(Amended by Ord. No. 2233, effective 5-17-79.)

- A. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of an infraction and shall be punishable as follows:

Pursuant to Government Code section 25132, every person convicted of an infraction shall be punished upon a first conviction by a fine not exceeding Fifty Dollars (\$50) and for a second conviction of the same provision within a period of one year by a fine of not exceeding One Hundred Dollars (\$100) and for a third or any subsequent conviction of the same provision within a period of one year by a fine or not exceeding Two Hundred Fifty Dollars (\$250). For purposes of this section, a bail forfeiture shall be deemed to be a conviction of the offense charged.

Any person, firm or corporation in violation of this Ordinance shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of this Ordinance is committed, permitted or continued, and shall be punishable therefor as provided hereinabove.

- B. Any building or structure, and any use of a building, structure or real property, which is not in full compliance with the requirements of this Ordinance shall constitute a public nuisance.



Development Agreements

CHAPTER 1.8. DEVELOPMENT AGREEMENTS
(Adopted by Ord. No. 2586, effective 2-16-84)

ARTICLE 1 APPLICATION

**FORMS AND
INFORMATION**

SECTION 7143.

- (a) The Building and Planning Director shall prescribe the form for each application, notice and documents provided for or required under these regulations for the preparation and implementation of development agreements pursuant to Sections 65864-65869.5 of the Government Code of the State of California.
- (b) The Building and Planning Director may require an applicant to submit such information and supporting data as the Building and Planning Director considers necessary to process the application.

FEES

SECTION 7143.1. At the time of filing an application to enter into a development agreement, the applicant shall pay to the Building and Planning Director an initial fee of One Hundred Dollars (\$100.00) to defray the expenses incidental to processing the application. The Building and Planning Director shall keep accurate records of the actual costs associated with processing the application and preparing the development agreement. Upon completion of the staff report and recommendations required in Section 7143.4 of this Article, the Building and Planning Director shall bill the applicant for the actual costs of the work in excess of One Hundred Dollars (\$100) plus 20% of the actual cost and the applicant shall pay the cost thereof to the Building and Planning Director. The additional twenty percent (20%) is intended to defray the expenses of hearings before the Planning Commission and Board of Supervisors and preparing the final agreement and an ordinance necessary to complete the process. The Building and Planning Director shall not set a date for the public hearing before the Planning Commission until the full fee for the development agreement is paid. (Amended by Ord. No. 2667, effective 9-12-85.)

**QUALIFICATION
FOR APPLICANT**

SECTION 7143.2. Only a qualified applicant may file an application to enter into a development agreement. A qualified applicant is a person who has legal or equitable interest in the real property which is the subject of the development agreement or the authorized agent of such person. The Building and Planning Director may require an applicant to submit proof of his or her interest in the real property and of the authority of an agent to act for the applicant. Before accepting the application as complete, the Building and Planning Director may obtain the opinion of the County Counsel as to the sufficiency of the applicant's interest in the real property to enter into the agreement.

**PROPOSED FORM
OF AGREEMENT**

SECTION 7143.3. Each application shall be accompanied by the form of development agreement proposed by the applicant. This requirement may be met by designating the County's standard form of development agreement and including specific proposals for changes in or additions to the language of the standard form.

**REVIEW OF
APPLICATION**

SECTION 7143.4. The Building and Planning Director shall endorse on the application the date it is received, shall review the application, and may reject it for processing if it is incomplete or inaccurate. If the Building and Planning Director finds that the application is complete, it shall be accepted for filing and copies shall be transmitted to those public and private agencies that may be affected by the agreement in accordance with Section 7060 (e) of this Ordinance Code. After consideration of any recommendations, the Building and Planning Director shall review the application and determine the additional requirements necessary to complete the agreement. After receiving the required information and any recommendations from affected agencies, the Building and Planning Director shall prepare a staff report and recommendations, including the recommendations of the agencies, and shall state whether or not the agreement proposed or in an amended form would be consistent with the Tulare County General Plan and any applicable specific plan.

ARTICLE 2. NOTICES AND HEARING

**DUTY TO GIVE
NOTICE**

SECTION 7144.

- (a) The Building and Planning Director shall give notice of intention of the Planning Commission to consider recommending adoption of the development agreement and of any other public hearing before the Planning Commission required by law or this Chapter.
- (b) The Clerk of the Board of Supervisors shall give notice of intention of the Board of Supervisors to consider approving a development agreement and of any other public hearing before the Board of Supervisors required by law or this Chapter.

**NOTICE REQUIRE-
MENTS**

SECTION 7144.1.

- (a) The notice of intention to consider approving a development agreement shall contain:
 - (1) The time and place of the hearing;
 - (2) A general explanation of the matter to be considered including a general description of the area affected; and

- (3) Other information required by provision of state law or this Chapter, or which the Building and Planning Director considers necessary or desirable.
- (b) Notice shall be given not less than ten (10) days prior to the hearing in the following manner:
 - (1) Publication at least once in a newspaper of general circulation, published and circulated in the County of Tulare. Insofar as practical, said notice shall be published in a newspaper circulated in the general area of the property subject to the proposed agreement.
 - (2) Mailing of the notice to all persons shown on the last equalized assessment roll as owning real property within 300 feet of the property which is the subject of the proposed development agreement. If the number of owners to whom notice is to be mailed is greater than 1,000, an alternative notice in the manner set forth in Section 65854.5(b) of the California Government Code may be provide.
- (c) The Planning Commission or Board of Supervisors, as the case may be, may direct that notice of the public hearing to be held before it shall be given in a manner that exceeds the notice requirements prescribed by this Ordinance Code or state law.
- (d) The provisions of this section notwithstanding, notice shall be given in a manner which conforms to the law of the State of California.

**FAILURE TO
RECEIVE NOTICE**

SECTION 7144.2. The failure of any person, entitled to notice required by state law or this Chapter, to receive notice as a result of mistake or inadvertence does not affect the authority of the County to enter into a development agreement.

**CONDUCT OF
HEARING**

SECTION 7144.3. The public hearing shall be conducted as nearly as may be in accordance with the procedural standards adopted under California Government Code Section 65804 for the conduct of zoning hearings. Each person interested in the matter shall be given an opportunity to be heard. The applicant has the burden of proof at the public hearing on the proposed development agreement.

**IRREGULARITY
IN PROCEEDINGS**

SECTION 7144.4. No action, inaction or recommendation regarding the proposed development agreement shall be held void or invalid or be set aside by the court by reason of any error, irregularity, informality, neglect or omission ("error") as to any matter pertaining to petition, application, notice, finding, record, hearing, report, recommendation, or any matters of procedures whatever unless after an

examination of the entire case the court is of the opinion that the error complained of was prejudicial and that by reason of the error the complaining party sustained and suffered substantial injury, and that a different result would have been probable if the error had not occurred or existed. There is no presumption that error is prejudicial or that injury was done if error is shown.

ARTICLE 3. STANDARDS OF REVIEW, FINDINGS, AND DECISION

DETERMINATION BY PLANNING COMMISSION

SECTION 7145. After the hearing by the Planning Commission, the Planning Commission shall make its recommendation in writing to the Board of Supervisors. The recommendation shall include the Planning Commission's determination whether or not the development agreement proposed:

- (a) is consistent with the objectives, policies, general land uses and programs specified in the Tulare County General Plan and any applicable specific plan;
- (b) is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the real property is located;
- (c) is in conformity with public convenience, general welfare and good land use practice;
- (d) will be detrimental to the health, safety and general welfare;
- (e) will adversely affect the orderly development of property or the preservation of property values.

The recommendation shall include the reasons for the recommendation.

DECISION BY BOARD OF SUPERVISORS

SECTION 7145.1.

- (a) After the Board of Supervisors completes the public hearing, it may accept, modify or disapprove the recommendation of the Planning Commission. It may, but need not, refer matters not previously considered by the Planning Commission during its hearing back to the Planning Commission for report and recommendation. The Planning Commission may, but need not, hold a public hearing on matters referred back to it by the Board of Supervisors.
- (b) The Board of Supervisors may not approve the development agreement unless it finds that the provisions of the agreement are consistent with the Tulare County General Plan and any applicable specific plan.

**APPROVAL OF
DEVELOPMENT
AGREEMENT**

SECTION 7145.2. If the Board of Supervisors approves the development agreement, it shall do so by the adoption of an ordinance. After the ordinance approving the development agreement takes effect, the Board of Supervisors may enter into the agreement.

**ARTICLE 4. AMENDMENT AND CANCELLATION
OF AGREEMENT BY MUTUAL CONSENT**

**INITIATION OF
AMENDMENT OR
CANCELLATION**

SECTION 7146. Either party may propose an amendment to or cancellation, in whole or in part, of a development agreement previously entered into.

PROCEDURE

SECTION 7146.1. The procedure for proposing and adopting an amendment to or cancellation, in whole or in part, of a development agreement shall be the same as the procedure for entering into an agreement in the first instance. (Section 7143 through 7143.4, including the provisions for the payment of fees.) However, where the Board of Supervisors initiates the proposed amendment to or cancellation, in whole or in part, of a development agreement, it shall first give notice to the property owner of its intention to initiate such proceedings at least ten (10) days in advance of the giving of notice of intention to consider the amendment or cancellation required by Section 7144.1.

ARTICLE 5. RECORDATION

**RECORDATION OF
DEVELOPMENT
AGREEMENT**

SECTION 7147.

- (a) Within ten (10) days after the Board of Supervisors enters into the development agreement, the Clerk of the Board shall have the agreement recorded with the County Recorder.
- (b) If the parties to the agreement or their successors in interest amend or cancel the agreement as provided in California Government Code Section 65868, or if the Board of Supervisors terminates or modifies the agreement as provided in Government Code Section 65865.1 for failure of the applicant to comply in good faith with the terms or conditions of the agreement the Clerk of the Board shall have notice of such action recorded with the County Recorder.

ARTICLE 6. PERIODIC REVIEW

TIME FOR AND INITIATION OF PERIODIC REVIEW

SECTION 7148. The Planning Commission shall review the development agreement at least once every twelve (12) months from the date the agreement is entered into, in order to determine whether the applicant, or any successor in interest, is complying in good faith with the terms of the agreement. The time for review may be modified by the Board of Supervisors acting by Resolution.

NOTICE OF PERIODIC REVIEW

SECTION 7148.1. The Building and Planning Director shall begin the review proceeding by giving notice to the owner of the property that the Planning Commission intends to undertake a period review of the development agreement. The director shall give the notice at least ten (10) days in advance of the time at which the matter will be considered by the Planning Commission.

PUBLIC HEARING

SECTION 7148.2. The Planning Commission shall conduct a public hearing at which the property owner must demonstrate good faith compliance with the terms of the agreement. The burden of proof on this issue is upon the property owner.

PROCEDURE UPON FINDINGS

SECTION 7148.3.

- (a) If the Planning Commission finds and determines on the basis of substantial evidence that the property owner has complied in good faith with the terms and conditions of the agreement during the period under review, the review for that period is concluded.
- (b) If the Planning Commission finds and determines on the basis of substantial evidence that the property owner has not complied in good faith with the terms and conditions of the agreement during the period under review, the Commission may recommend that the Board of Supervisors modify or terminate the agreement. The written decision of the Planning Commission recommending modification or termination of the agreement shall be delivered to the Board of Supervisors not later than ten (10) days after the final action of the Commission.
- (c) Any person may appeal a determination made by the Planning Commission pursuant to this section to the Board of Supervisors in accordance with the procedures set forth in Section 115 of the Ordinance Code.

ARTICLE 7. MODIFICATION OR TERMINATION

PROCEEDINGS UPON MODIFICATION OR TERMINATION

SECTION 7149. If, upon receipt of a finding under Section 7148.3, the Board of Supervisors determines to proceed with modification or termination of the agreement, the Board of Supervisors shall set a public hearing and give notice to the property owners of the time and place of such hearing and of its intention to consider modification or termination of the development agreement. The notice shall be given no less than ten (10) days prior to the date of the public hearing.

HEARING ON MODIFICATION OR TERMINATION

SECTION 7149.1. At the time and place set for the hearing on modification or termination, the property owner shall be given an opportunity to be heard. The Board of Supervisors may act to modify or terminate the agreement, may continue the agreement, may impose additional conditions upon the continuance of the agreement or may refer the matter back to the Planning Commission for further proceedings or for report and recommendation. The decision of the Board of Supervisors is final.

Airport Zoning



CHAPTER 3. AIRPORT ZONING REGULATIONS

PURPOSE

SECTION 7275. The Board of Supervisors deems it necessary to adopt this Chapter as an exercise of the police power in order to promote the health, safety and general welfare of the inhabitants of the County by preventing the creation or establishment of airport hazards, thereby protecting the lives and property of the users of the various airports in the County to which this Chapter applies and of the occupants of the land in the vicinity of said occupants of the land in the vicinity of said airports, and by preventing the destruction or impairment of the utility of said airports and the public investment therein.

LEGISLATIVE AUTHORITY

SECTION 7276. This Chapter is adopted pursuant to the Airport Approaches Zoning Law of the State of California (commencing at Section 50485 of the Government Code of the State of California) and the Planning and Zoning Law of the State of California (commencing at Section 65000 of the Government Code of the State of California). (Amended by Ord. No. 1233, effective 7-18-68.)

DEFINITIONS

SECTION 7277. Except where the context otherwise requires, the following definitions shall govern the construction of this Chapter:

Airport

(a) "Airport" means any area of land or water designated and set aside for the landing and taking off of aircraft, and utilized or to be utilized in the interest of the public for such purposes, a map of which has been or is hereafter included as a part of the Airport Zoning Map of the County of Tulare.

Airport Elevation

(b) "Airport Elevation" means the elevation of the highest point on the usable or designated runway as established by the County Surveyor.

Airport Hazard

(c) "Airport hazard" means any structure, tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off of aircraft.

Airport Reference Point

(d) "Airport reference point" means the point established at the approximate geographic center of the airport landing area and so designated.

Height

(e) "Height," used for the purpose of determining height limits in all zones set forth in this Chapter, means the vertical elevation in feet above the established airport elevation unless otherwise stated.

Landing Area

(f) "Landing area" means the area of an airport used, or to be used, for the landing, taking off or taxiing of aircraft.

- Nonconforming Use** (g) "Nonconforming use" means any structure, tree or use of land which does not conform to the provisions of this Chapter at the time this Chapter is made applicable to a particular airport.
- Person** (h) "Person" means any individual, firm, co-partnership, corporation, company, association, joint stock association, city, county or district, and includes any trustee, receiver, assignee or other similar representative thereof.
- Planning Commission** (i) "Planning Commission" means the Planning Commission of the County of Tulare.
- Runway** (j) "Runway" means the paved surface of an airport landing area designated for the landing or taking off of aircraft.
- Structure** (k) "Structure" means any object constructed, installed or placed on real property by man including, but not limited to, buildings, towers, smokestacks and overhead lines.
- Tree** (l) "Tree" means any object of natural growth. (Amended by Ord. No. 1233, effective 7-18-68.)

**TYPES OF ZONES
AND HEIGHT LIMITS**

SECTION 7278. Six (6) types of zones, and the height limits for said zones, are hereby established for the purposes of airport zoning. Except as otherwise provided in this Chapter, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone to a height in excess of the height limit established for such zone. The datum plane for measurement of such height, except as otherwise specified herein, shall be based on the airport elevation, as defined by subsection (b) of Section 7277. Said zones are as follows:

- Loading Zone** (a) **LANDING ZONE ("L"):** A surface, and the airspace above it, rectangular in shape, longitudinally centered on the runway and extending in length two hundred (200) feet beyond the ends of the runway. The landing zone shall have an elevation, at any point along its longitudinal profile, coincident with the runway centerline or centerline prolongations as appropriate. The landing zone shall have the width specified on each map adopted pursuant to Section 7280.
- Approach Zone** (b) **APPROACH ZONE ("AA"):** A plane surface, and the airspace above it, trapezoidal in shape, longitudinally centered on the prolongation of the runway centerline, beginning at each end of each landing zone, coinciding in width with the landing zone where they join. The height and width of the approach zone shall be as specified on each map adopted pursuant to Section 7280.

Landing
Transition
Zone

(c) LANDING TRANSITION ZONE ("LT"): A plane surface, and the airspace above it, rectangular in shape, lying lying adjacent and parallel to each side of each landing zone, having a length equal to the landing zone and extending outward and upward, at right angles to the runway centerline, at a slope of seven-to-one to a height of one hundred fifty (150) feet above the established airport elevation.

Approach
Transition
Zone

(d) APPROACH TRANSITION ZONE ("AT"): A plane surface, and the airspace above it, triangular in shape, lying adjacent to each side of each approach zone and at each end of each landing transition zone, coinciding in height with the approach zone and landing transition zone where they join and extending outward and upward, at right angles to the prolongation of the runway centerline, at a slope of seven-to-one to a maximum height of one hundred fifty (150) feet above the established airport elevation or to the conical zone surface, whichever is higher.

Horizontal Zone

(e) HORIZONTAL ZONE ("H"): A horizontal circular plane surface, and the airspace above it, one hundred fifty (150) feet above the established airport elevation, its radius point being the airport reference point and having the radius specified on each map adopted pursuant to Section 7280. The horizontal zone does not include the landing zone, approach zone or transition zones.

Conical Zone

(f) CONICAL ZONE ("C"): A conical surface of an inverted conical frustum, and the airspace above it, its minor base being coincidental with the periphery of the horizontal zone and extending outward and upward, radially to its axis, at a slope of twenty-to-one for the horizontal distance specified on each map adopted pursuant to Section 7280. The conical zone does not include the approach zone or the approach transition zone. (Amended by Ord. No. 1233, effective 7-18-68.)

HEIGHT LIMITS

SECTION 7279. (Repealed by Ord. No. 1233, effective 7-18-68.)

AIRPORT ZONING
MAP

SECTION 7280. The several zones established by Section 7278 shall be shown and delineated on the Airport Zoning Map of the County of Tulare which is hereby adopted. Said Zoning Map, for convenience and identification, is divided into parts corresponding to the operational areas of the respective airports included within the provisions of this Chapter. Additional parts of the Airport Zoning Map may be adopted from time to time by ordinance. Each part of the Airport Zoning Map of the County of Tulare hereby adopted or hereafter adopted by ordinance shall be described by a descriptive title sufficient to identify the subject and the location and shall contain a map and diagrams including a plot plan of the subject airport showing the location,

direction and dimensions of all runways. The location and dimensions of all zones described in Section 7278 and the specific values applied to said zones in accordance with the formulas established for the regulation of heights pursuant to Section 7278. The size, shape and area of any of the aforementioned zones need not be the same for different airports. The following parts of the Airport Zoning Map are hereby adopted:

- (a) Part 1 - Porterville Municipal Airport.*
- (b) Part 2 - Tulare Airpark.*
- (c) Part 3 - Visalia Municipal Airport.*
- (d) Part 4 - Woodlake Municipal Airport.*

*Maps on file in the Tulare County Building and Planning Department Office.

The Airport Zoning Map and amendments to additional parts thereof adopted pursuant to this Chapter, shall not be included in or made a part of this Code. (Amended by Ord. No. 1233, effective 7-18-68; amended by Ord. No. 1943, effective 8-12-76.)

ADMINISTRATION AND ENFORCEMENT

SECTION 7281.

- (a) The Planning Commission is hereby designated as the agency for the administration and enforcement of this Chapter.
- (b) The Building and Planning Director shall not issue building permits for the construction, reconstruction or structural alteration of any structure within any of the zones established by Section 7278 if said construction, reconstruction or structural alteration would result in violation of the restrictions imposed on said zones by this Chapter. Any building permit issued in violation of the provisions of this subsection shall be null and void. (Amended by Ord. No. 1233, effective 7-18-68; amended by Ord. No. 2524, effective 3-31-83.)

NONCONFORMING USES

SECTION 7282. The provisions of this Chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree which did not conform to the provisions of this Chapter at the time this Chapter was made applicable to the particular airport, or to authorize interference with the continuance of any such nonconforming use except as provided in Section 7283. Nothing contained in this Chapter shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was commenced prior to the date this Chapter was made applicable to a particular airport, if said construction or alteration

was completed within two (2) years after the date this Chapter was made applicable to such airport.

PERMITS

SECTION 7283. Before that portion of any nonconforming structure which exceeds the height limitation established by the Airport Zoning Map and Section 7278 may be structurally altered and before any nonconforming structure or tree may be replaced, reconstructed, allowed to grow higher or replanted, a permit must be secured from the Planning Commission authorizing such structural alteration, replacement, reconstruction or change. Those portions of an existing nonconforming structure below the applicable height limitations may be structurally altered, repaired and added to, and those portions of an existing nonconforming structure above the applicable height limitation may be repaired and minor replacements made therein, without securing such a permit unless such structural alteration, repair, addition or minor replacement would increase the height of the structure or enlarge that portion of the structure which exceeds the applicable height limitation. No such permit shall be granted that will allow the establishment or creation of an airport hazard or permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was on the date that this Chapter was made applicable to a particular airport or than it was when the application for a permit was made, but all other applications for such permits shall be granted. (Amended by Ord. No. 1233, effective 7-18-68.)

VARIANCES

SECTION 7284. If practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Chapter result through the strict and literal interpretation and enforcement of this Chapter, then the Planning Commission shall have the authority to grant a variance from the provisions of this Chapter such as may be in harmony with its general purpose and intent, so that the spirit of this Chapter shall be observed, public safety and welfare served and substantial justice done.

APPLICATIONS FOR PERMITS AND VARIANCES

SECTION 7285. The Planning Commission shall grant a permit or a variance under the provisions of this Chapter only upon the filing of a written application therefor by the owner of the real property affected or his authorized representative. The Planning Commission shall prescribe the form of applications for such permits and variances. At the time of filing his application, the applicant shall pay a fee to defray the expense of postage, publication and the mailing of the notice of hearing, and other expenses incidental to the proceedings. The amount of said fee shall be established, and may be modified from time to time, by resolution of the Board of Supervisors. No part of said fee shall be returned to the applicant regardless of whether the applicant subsequently withdraws his application for such permit or variance.

PROCEDURE FOR
PROCESSING
PERMITS AND
VARIANCES

SECTION 7286. Before granting a permit or variance the Planning Commission shall hold at least one (1) public hearing. Notice of such public hearing shall be given by publishing a notice of such hearing setting forth the time and place of the hearing and the nature of the permit or variance requested, in a newspaper of general circulation published in the County, once, not less than ten (10) days prior to the date of such public hearing, and by mailing a copy of the published notice of said hearing, not less than ten (10) days prior to the date of such public hearing, to the management of the airport affected and to all owners of property within three hundred (300) feet of the exterior boundaries of the property on which the structure or tree is located for which the permit or variance is requested. When mailing notices of said hearings to the property owners, the Planning Commission shall use the last known names and addresses of such owners as the same are shown on the assessment roll of Tulare County. After the public hearing the Planning Commission shall, by resolution, grant or deny the permit or variance and said resolutions shall recite in full the findings upon which the Planning Commission granted or denied such permit or variances. A copy of such resolution shall be mailed to the applicant at the address shown upon the written application and to the appropriate airport management. A copy of such resolution shall also be delivered to the Board of Supervisors. The action of the Planning Commission on an application for a permit or variance shall be final and conclusive ten (10) days after said resolution is mailed to the applicant unless an appeal is taken to the Board of Supervisors pursuant to Section 7288 within said ten (10) day period.

PERMITS AND
VARIANCES:
CONDITIONS

SECTION 7287. Any variance or permit granted pursuant to the provisions of this Chapter may be allowed subject to any reasonable conditions that the Planning Commission may deem necessary to effectuate the purpose of this Chapter. If such action is deemed advisable to effectuate the purpose of this Chapter and reasonable under the circumstances, any such variance or permit may be so conditioned as to require the owner of the structure or tree to permit the appropriate airport management, at its own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Any variance or permit which is granted, subject to any conditions, shall be deemed to be automatically revoked if any of the conditions are violated.

APPEALS

SECTION 7288. Within ten (10) days after the resolution of the Planning Commission granting or denying a permit or variance has been mailed to the applicant, any person affected by the action of the Planning Commission may file with the Clerk of the Board of Supervisors a notice of appeal from such action by the Planning Commission. Upon receiving a notice of appeal the Board of Supervisors may affirm the action of the Planning Commission, or refer the

matter back, with or without instructions, to the Commission for further consideration or hearings, or set the appeal for hearing before the Board of Supervisors. If the appeal is set for hearing before the Board, the Board shall give notice of said hearing in the same manner prescribed in this Chapter for giving notice of the same type of hearing by the Planning Commission and at such hearing the Board of Supervisors shall hear and decide the matter de novo. The decision of the Board of Supervisors upon an appeal is final and conclusive as to all things involved in the matter.

PROCEDURE ON REHEARING OR RECONSIDERATION

SECTION 7289. If the Board of Supervisors refers the matter back to the Planning Commission for further consideration or hearings, as provided in Section 7288, all proceedings on the appeal are automatically terminated. When the Commission has adopted a new resolution denying or granting the permit or variance after such further consideration or rehearing, a copy of such resolution shall be mailed to the applicant, at the address shown upon the written application, to the appellant, the appropriate airport management and the Board of Supervisors. The action of the Planning Commission on an application for a permit or variance after such rehearing or reconsideration shall be final and conclusive ten (10) days after said resolution of the Planning Commission is mailed to the applicant unless a new appeal is taken to the Board of Supervisors within the ten (10) day period pursuant to the procedure set forth in Section 7288.

CONFLICTING REGULATIONS

SECTION 7290. If there is a conflict between this Chapter and any other laws or ordinances applicable to the same area or parcel of land, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.

VIOLATIONS

SECTION 7291. Every person violating any provision of this Chapter or of any permit or variance granted pursuant to this Chapter is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. Such person shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued or permitted by such person, and shall be punishable therefor as hereinabove provided.

PROCEDURE FOR AMENDMENTS

SECTION 7292. Amendments to this Chapter, changes in the boundaries or restrictions of the several zones herein established, and the addition of new parts to the Airport Zoning Map shall be made pursuant to the procedure set forth in Article 9 of Chapter 3 of Title 7 of the Government Code (Commencing at Section 65500), as it presently exists and as it may be amended from time to time, except

that notice of the time and place of the hearings shall be published in a newspaper of general circulation in the County pursuant to Section 6066 of the Government Code of the State of California. (Amended by Ord. No. 1034, effective 1-20-66.)

Building Line Setbacks

CHAPTER 5. REGULATIONS CONCERNING STREET AND HIGHWAYS
(Heading amended by Ord. No. 1204, effective 3-21-68.)

ARTICLE 1. BUILDING LINE SETBACKS

**DECLARATION
OF PURPOSE**

SECTION 7500. The Board of Supervisors hereby declares that the County of Tulare, through the County Planning Agency, is engaged in developing a General Plan of Streets and Highways and a Specific Plan of Streets and Highways for the County. The magnitude of the undertaking precludes such plans being completed in their entirety in time to fully guide the rapid development occurring within the County. The surveys, hearings, map preparation and the requirements of law governing such matters make it necessary for such detailed plans to be developed progressively. Therefore, in order to prevent traffic safety hazards from arising, to assure that light, view and air are reasonably available to all property, and in order to otherwise conserve the public interest and protect the public safety and welfare, it is necessary to establish certain minimum building line setbacks on a County-wide basis. (Former section 7500 repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68.)

VIOLATIONS

SECTION 7501.

- (a) It shall be unlawful to construct or erect a building or structure of any type whatsoever, including signs and other advertising structures, or to construct a well for production of water, oil or other hydrocarbon products, or to make an excavation or install a sub-surface structure of any type within the building line setbacks established by this Article.
- (b) It shall be unlawful to install, place or maintain within the building line setbacks established by this Article, movable buildings or structures of any type whatsoever, including signs and other advertising structures, if the top of the movable building or structure is more than three (3) feet above the surface of the ground or pavement, or if the movable building or structure is more than three and one-half (3-1/2) feet in width. A motor vehicle or trailer, licensed or unlicensed, which has a sign painted directly on the body of the vehicle or trailer or otherwise mounted on or attached to the vehicle or trailer, and which is used primarily for the purpose of advertising, shall constitute a structure which is subject to the provisions of this Article. Other motor vehicles and trailers are not subject to the provisions of this Article. (Former section 7501 repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68.)

SETBACK DISTANCE	<p>SECTION 7502. A building line setback is hereby established along both sides of every highway in the County which has been dedicated to the public use. Except as otherwise provided in sections 7502.1 through 7502.33 of this Article, such building line setback shall be located parallel to, and fifty (50) feet from the established centerline of the right of way of each highway. The space between such building line setback and the nearest edge of the right of way shall be kept free of all structures as provided in section 7501 of this Article. Certain highways are hereby determined to be of special importance, and they shall have building line setbacks different from the general building line setback set forth in this section. Those highways which have building line setbacks different from those set forth in this section are designated in sections 7502.1 through 7502.33, inclusive, of this Article, together with the special building line setback applicable to each such highway. (Former section 7502 repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68.)</p>
ROAD 80 AND ALTA AVENUE	<p>SECTION 7502.1. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 80, and of Alta Avenue within the metropolitan area, between Avenue 296 and the northerly boundary of Tulare County, except that portion within the city limits of the City of Dinuba. (Added by Ord. No. 1204, effective 3-21-68.)</p>
STATE ROUTE 43	<p>SECTION 7502.2. The building line setback on State Route 43 between the westerly boundary of Tulare County and the southerly boundary of Tulare County shall be as follows:</p> <ul style="list-style-type: none"> (a) On the westerly side of said State Route 43, 120 feet from the westerly edge of the existing right of way. (b) On the easterly side of State Route 43, 15 feet from the easterly edge of the existing right of way. (Added by Ord. No. 1204, effective 3-21-68.)
ROAD 152	<p>SECTION 7502.3. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 152 between Avenue 96 and Avenue 256. (Added by Ord. No. 1204, effective 3-21-68.)</p>
AVENUE 152 AND OLIVE AVENUE	<p>SECTION 7502.4. The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 152, and of Olive Avenue within the metropolitan area, between Road 96 and the westerly city limits of the City of Porterville. (Added by Ord. No. 1204, effective 3-21-68.)</p>
AVENUE 168	<p>SECTION 7502.5. The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 168 between Road 128 and Road 224. (Added by Ord. No. 1204, effective 3-21-68.)</p>

ROAD 192	SECTION 7502.6. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 192 between County Line Avenue and Avenue 192. (Added by Ord. No. 1204, effective 3-21-68.)
ROAD 164 AND FARMERSVILLE BOULEVARD	SECTION 7502.7 The building line setback shall be 55 feet from the existing centerline of the right of way of Road 164, and of Farmersville Boulevard within the metropolitan area, between Avenue 248 and Avenue 296, except that portion within the city limits of the City of Farmersville. (Added by Ord. No. 1204, effective 3-21-68.)
ROAD 140	SECTION 7502.8. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 140 between Avenue 192 and Houston Avenue. (Added by Ord. No. 1204, effective 3-21-68.)
AVENUE 416 AND EL MONTE WAY	SECTION 7502.9. The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 416, and of El Monte Way within the metropolitan area, between the westerly boundary of Tulare County and Road 168, except that portion within the City limits of the City of Dinuba. (Added by Ord. No. 1204, effective 3-21-68.)
AVENUE 280, CALDWELL AVENUE AND VISALIA ROAD	SECTION 7502.10. The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 280, and of Caldwell Avenue and Visalia Road within the metropolitan areas, between the westerly boundary of Tulare County and the westerly city limits of the City of Exeter, except that portion within the City limits of the Cities of Visalia and Farmersville. (Added by Ord. No. 1204, effective 3-21-68.)
EAST MAIN STREET	SECTION 7502.11. The building line setback shall be 60 feet from the existing centerline of the right of way of East Main Street between the easterly city limits of the City of Visalia and Mineral King Avenue. (Added by Ord. No. 1204, effective 3-21-68.)
AVENUE 196	SECTION 7502.12. The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 196 between Road 196 and Road 276. (Added by Ord. No. 1204, effective 3-21-68.)
K STREET	SECTION 7502.13. The building line setback shall be 60 feet from the existing centerline of the right of way of K Street between the southerly city limits of the City of Tulare and State Highway 99 Freeway. (Added by Ord. No. 1204, effective 3-21-68.)
J STREET	SECTION 7502.14. The building line setback on J Street between the northerly city limits of the City of Tulare and State Highway 99 Freeway shall be as follows: (a) On the easterly side of J Street, 60 feet from the existing centerline of the right of way.

- (b) On the westerly side of J Street, 15 feet from the westerly edge of the existing right of way. (Added by Ord. No. 1204, effective 3-21-68.)

STATE HIGHWAY 198 **SECTION 7502.15.** The following portions of Roads and Avenues in the County, which comprise portions of State Highway 198, shall have the following building line setbacks:

- (a) 60 feet from the existing centerline of the right of way of Avenue 296 between the westerly boundary of Tulare County and State Highway 99 Freeway.
- (b) The building line setback on Avenue 296 between Road 204 and Road 220 shall be as follows:
 - (1) On the southerly side of Avenue 296, 70 feet from the existing centerline of the right of way.
 - (2) On the northerly side of Avenue 296, 15 feet from the northerly edge of the existing right of way. (Added by Ord. No. 1204, effective 3-21-68.)

**AVENUE 296 AND
MINERAL KING
AVENUE**

SECTION 7502.16. The building line setback shall be 60 feet from the existing centerline of the right of way of Avenue 296, and of Mineral King Avenue within the metropolitan area, between the easterly city limits of the City of Visalia and Road 156, except that portion within the city limits of the City of Visalia. (Added by Ord. No. 1204, effective 3-21-68.)

**AVENUE 296 AND
NOBLE AVENUE**

SECTION 7502.17. The building line setback shall be 60 feet from the existing centerline of the right of way of Avenue 296, and of Noble Avenue within the metropolitan area, between the easterly city limits of the City of Visalia and Road 156. (Added by Ord. No. 1204, effective 3-21-68.)

**AVENUE 144 AND
POPLAR AVENUE**

SECTION 7502.18. The building line setback shall be 60 feet from the existing centerline of the right of way of Avenue 144, and of Poplar Avenue in the metropolitan area, between State Highway 99 and South Main Street. (Added by Ord. No. 1204, effective 3-21-68.)

AVENUE 400

SECTION 7502.19. The building line setback shall be 60 feet from the existing centerline of the right of way of Avenue 400 between the westerly boundary of Tulare County and Road 128. (Added by Ord. No. 1204, effective 3-21-68.)

STATE HIGHWAY 63

SECTION 7502.20. The following portions of Roads and Avenues in the County, which comprise portions of State Highway 63, shall have the following building line setbacks:

- (a) 60 feet from the existing centerline of the right of way of Mooney Boulevard between East Tulare Avenue

(State Highway 137) and the southerly city limits of the City of Visalia.

- (b) 60 feet from the existing centerline of the right of way of Road 124, and of Dinuba Boulevard within the metropolitan area, between the northerly city limits of the City of Visalia and Avenue 384.
- (c) 60 feet from the existing centerline of the right of way of Avenue 384 between Road 124 and Road 128.
- (d) The building line setback on Road 128, between Avenue 384 and the Santa Fe Railroad right of way crossing south of the town of Cutler shall be as follows:
 - (1) On the westerly side of Road 128, 120 feet from the west edge of the right of way of the Santa Fe Railroad.
 - (2) On the easterly side of Road 128, 15 feet from the easterly edge of the existing right of way.
- (e) 60 feet from the existing centerline of the right of way of Road 128 between the Santa Fe Railroad right of way crossing south of the town of Cutler and Avenue 416.
- (f) 55 feet from the existing centerline of the right of way of Road 128 between Avenue 416 and Avenue 460.
- (g) 55 feet from the existing centerline of the right of way of Avenue 460 between Road 128 and the westerly boundary of Tulare County.
- (h) 55 feet from the existing centerline of the right of way of Road 120 between Avenue 460 and Avenue 480. (Added by Ord. No. 1204, effective 3-21-68.)

STATE HIGHWAY 216 SECTION 7502.21. The following portions of Roads, Avenues and Drives in the County, which comprise portions of State Highway 216, shall have the following building line setbacks:

- (a) 60 feet from the existing centerline of the right of way of Houston Avenue between the easterly city limits of the City of Visalia and Sol Road.
- (b) 60 feet from the existing centerline of the right of way of Ivanhoe Drive between Sol Road and the south bank of the St. Johns River.
- (c) 60 feet from the existing centerline of the right of way of Road 160 between the south bank of the St. Johns River and Avenue 328.

- (d) 60 feet from the existing centerline of the right of way of Avenue 328 between Road 160 and Millwood Drive.
- (e) 60 feet from the existing centerline of the right of way of Millwood Drive between Avenue 328 and Avenue 344.
- (f) The building line setback on Avenue 344 between Millwood Drive and the westerly city limits of the City of Woodlake shall be as follows:
 - (1) On the northerly side of Avenue 344, 80 feet from the existing centerline of the right of way.
 - (2) On the southerly side of Avenue 344, 15 feet from the southerly edge of the existing right of way.
- (g) 60 feet from the existing centerline of the right of way of Naranjo Boulevard between the easterly city limits of the City of Woodlake and St. Johns Street.
- (h) 60 feet from the existing centerline of the right of way of Avenue 344 between St. Johns Street and Road 228.
- (i) 60 feet from the existing centerline of the right of way of Road 228 between Avenue 344 and Lomitas Drive.
- (j) 60 feet from the existing centerline of the right of way of Lomitas Drive between Road 228 and Sierra Drive (State Highway 198). (Added by Ord. No. 1204, effective 3-21-68.)

STATE HIGHWAY 137 **SECTION 7502.22.** The following portions of Roads, Avenues and Drives in the County, which comprise portions of State Highway 137, shall have the following building line setbacks:

- (a) 80 feet from the existing centerline of the right of way of Tulare Avenue between the easterly city limits of the City of Tulare and Mooney Boulevard (State Highway 63).
- (b) 60 feet from the existing centerline of the right of way of Avenue 232 between Mooney Boulevard (State Highway 63), and Fremont Drive.
- (c) 60 feet from the existing centerline of the right of way of Fremont Drive between Avenue 232 and the northwesterly city limits of the City of Lindsay. (Added by Ord. No. 1204, effective 3-21-68.)

AVENUE 56 **SECTION 7502.23.** The following portions of Avenue 56 shall have the following building line setbacks:

- (a) 60 feet from the existing centerline of the right of way between the Central Valley Highway and Road 236.
- (b) 55 feet from the existing centerline of the right of way between Road 236 and Old Stage Road. (Added by Ord. No. 1204, effective 3-21-68.)

HENDERSON AVENUE	SECTION 7502.24. The building line setback shall be 60 feet from the existing centerline of the right of way of Henderson Avenue between State Highway 65 and Westwood Street, except that portion within the city limits of the City of Porterville. (Added by Ord. No. 1204, effective 3-21-68.)
ROAD 132	SECTION 7502.25. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 132 between Avenue 304 and Avenue 328. (Added by Ord. No. 1204, effective 3-21-68.)
ROAD 56	SECTION 7502.26. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 56 between Avenue 384 and Avenue 432. (Added by Ord. No. 1204, effective 3-21-68.)
AVENUE 328	SECTION 7502.27. The building line setback shall be 55 feet from the existing centerline of the right of way of Avenue 328 between State Highway 99 and Road 160. (Added by Ord. No. 1204, effective 3-21-68.)
ROAD 156	SECTION 7502.28. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 156 between Avenue 328 and Avenue 384. (Added by Ord. No. 1204, effective 3-21-68.)
MONSON DRIVE	SECTION 7502.29. The building line setback on Monson Drive between Avenue 384 and Road 104 shall be as follows: <ul style="list-style-type: none">(a) On the northeasterly side of Monson Drive, 110 feet from the northeasterly edge of the right of way of the Atchison, Topeka and Santa Fe Railroad.(b) On the southwesterly side of Monson Drive, 15 feet from the southwesterly edge of the existing right of way. (Added by Ord. No. 1204, effective 3-21-68.)
ROAD 104	SECTION 7502.30. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 104 between Monson Drive and Avenue 416. (Added by Ord. No. 1204, effective 3-21-68.)
ROAD 68	SECTION 7502.31. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 68 between Avenue 280 and Avenue 304. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 196

SECTION 7502.32. The building line setback shall be 55 feet from the existing centerline of the right of way of Road 196 between Avenue 192 and Avenue 232. (Added by Ord. No. 1204, effective 3-21-68.)

ROAD 232

SECTION 7502.33. The building line setback shall be 60 feet from the existing centerline of the right of way of Road 232 between Avenue 116 and Avenue 144, except that portion within the city limits of the City of Porterville. (Added by Ord. No. 1204, effective 3-21-68.)

SETBACK DISTANCE:
MODIFICATION OF
SETBACK DISTANCE

SECTION 7503.

(a) If frontage of one side of a highway is located between two intersecting highways which are no more than one thousand three hundred twenty (1,320) feet apart, and such frontage has been occupied since July 1, 1949, with buildings which have setback distances less than those required by sections 7502 through 7502.33 of this Article, and if the total lineal frontage of such buildings is at least forty (40) percent of the total lineal frontage on the side of the highway being considered between said intersecting highways, then the building line setback for said frontage shall be equal to the average distance from the centerline of the highway of all of said buildings which have setbacks less than those required in sections 7502 through 7502.33.

(b) If frontage on one side of a highway does not have two intersecting highways within one thousand three hundred twenty (1,320) feet of each other, the formula set forth in subsection (a) of this section shall be applied to any frontage of six hundred sixty (660) feet, or multiples thereof, to determine whether the modified setback established in subsection (a) is applicable to such frontage. (Former section 7503 repealed, and new section adopted by Ord. No. 1204, effective 3-21-68.)

SECTION 7503.5. (Added by Ord. No. 865, effective 11-15-62, repealed by Ord. No. 1204, effective 3-21-68.)

SETBACK DISTANCE:
MODIFICATION OF
SETBACK DISTANCE
FOR CERTAIN
SUBDIVISIONS

SECTION 7504. The building line setbacks established by section 7502 of this Article are hereby modified for all subdivisions which have been assigned tract numbers, commencing with Tract No. 1 which was recorded on February 18, 1941, under the following circumstances and conditions:

(a) Septic tanks, leach lines and seepage pits may be constructed and maintained not less than ten (10) feet from the edge of the right of way.

- (b) A residence, including any garage or carport which is attached to or part of such residence, may be constructed and maintained on a corner lot not less than fifteen (15) feet from the edge of the right of way which has the longest frontage on the lot, unless the applicable provisions of Article 2 of this Chapter (commencing at section 7520) require a greater distance from the right of way; provided, however, that if the garage or carport which is attached to or part of such residence opens directly onto the right of way which has the longest frontage on the lot, such garage or carport may be constructed and maintained not less than eighteen (18) feet from the edge of the right of way, unless a greater distance is required under Article 2 of this Chapter (commencing at section 7520).
- (c) A residence, including any garage or carport which is attached to or part of such residence, may be constructed and maintained on a corner lot not less than twenty-five (25) feet from the edge of the right of way which has the shortest frontage on the lot, unless section 7502 of this Article allows such residence to be constructed closer to the right of way, or unless the applicable provisions of Ordinance No. 352, or Article I of Chapter 2 of this Part (commencing at section 7150), or Article 2 of this Chapter (commencing at section 7520), require a greater distance from the right of way.
- (d) A residence, including any garage or carport which is attached to or part of such residence, may be constructed and maintained on a lot, other than a corner lot, not less than twenty-five (25) feet from the edge of the right of way, unless section 7502 of this Article allows such residence to be constructed closer to the right of way, or unless the applicable provisions of Ordinance No. 352, or Article I of Chapter 2 of this Part (commencing at section 7150), or Article 2 of this Chapter (commencing at section 7520), require a greater distance from the right of way.
- (e) A fence or wall may be constructed and maintained on a corner lot not less than five (5) feet from the edge of the right of way which has the longest frontage on the lot unless the applicable provisions of Ordinance No. 352 or Article 2 of this Chapter (commencing at Section 7520) require a greater distance from the right of way; provided, however, that no portion of the fence or wall may be constructed or maintained within the building line setback established by paragraph (c) of this section.

The modifications set forth in this section shall not apply to septic tanks, leach lines, seepage pits, residences, garages, carports, fences or walls which are constructed along any of the highways which are described in sections

7502.1 through 7502.33 of this Article. (Former section 7504 repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2516, effective 1-27-83.)

SETBACK DISTANCES: MODIFICATION OF SETBACK DISTANCE ON FRONTAGE ROADS **SECTION 7505.** On frontage roads which are parallel and adjacent to a major street, limited access highway or free-way, the building line setback shall be twenty-five (25) ON feet from the edge of the right of way. (Former section 7505 repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68.)

EXCEPTIONS **SECTION 7506.** Notwithstanding the provisions of section 7501 of this Article, the following buildings, structures or portions thereof may be constructed, installed, used, repaired and maintained within the building line setbacks established by this Article:

- (a) A fence which is open to the extent that there is clear, unobstructed vision through at least fifty (50) percent of the total area of the fence.
- (b) Public utility facilities installed or constructed under authority of law.
- (c) Buildings or structures authorized to be installed or constructed pursuant to a special use permit or a variance from the zoning regulations approved in accordance with Section 16 of the Zoning Ordinance (Ordinance No. 352, as amended.).
- (d) Architectural features of buildings, including but not limited to, cornices, eaves, belt courses, sills, buttresses, fireplaces and chimneys, in compliance with subsection C of Section 15 of the Zoning Ordinance (Ordinance No. 352, as amended). (Former section 7506 repealed, and new section adopted, by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82; amended by Ord. No. 2516, effective 1-27-83.)

CONDITIONAL EXCEPTIONS: METAL POLES, SIGNS AND LIGHTS **SECTION 7507.** Without complying with any of the provisions of this Article, metal poles may be installed within the building line setbacks to support signs or to support lamps for floodlighting the premises upon which such installation is made, if the installation complies with all of the following conditions:

- (a) Any light or sign shall be installed on a single pole and shall be placed not less than twelve (12) feet above the ground level.
- (b) Floodlights installed on such poles shall be equipped with shields adjusted so that direct rays from the lights do not shine on a public highway.

- (c) Any sign installed on such a pole shall not have an area in excess of thirty-six (36) square feet on each of two (2) sides and such sign shall pertain only to the business or establishment which is located on the premises. Only one (1) such sign may be installed on each business site. If such sign is illuminated, it shall be non-flashing and shall be located so that any green, yellow or red light thereon will not materially interfere with the ability of a driver on a public highway to readily distinguish a traffic signal in the same approximate line of vision.
- (d) All poles, signs and lights installed pursuant to this section shall be removed t no expense to the County or the State, upon order of the County or the State, in connection with a future widening of the highway. (Former section 7507 repealed, and new section adopted, by Ord. No. 1240, effective 3-21-68.)

**EXISTING
BUILDINGS AND
STRUCTURES**

SECTION 7507.5. Any building or structure of a type described in section 7501 of this Article which was in existence at the time that the provisions of this Article became applicable to such building or structure is not required to be removed, and may continue to be used, repaired and maintained. (Added by Ord. No. 1204, effective 3-21-68.)

**SPECIAL SETBACK
DISTANCES: TREES,
SHRUBS AND VINES**

SECTION 7508. In order to prevent trees, shrubs and vines from encroaching on County roads, it shall be unlawful to plant, or cause to be planted, a tree, shrub or vine less than ten (10) feet from the edge of the right of way, or one-half (1/2) of the spacing for that type of tree, shrub or vine which is customary in orchards and vineyards in the area, whichever is greater. This section does not apply to trees, shrubs or vines planted for residential landscaping. (Added by Ord. No. 1204, effective 3-21-68.)

VARIANCES

SECTION 7509. If practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Article result through the strict and literal interpretation and enforcement of this Article, then the Zoning Administrator shall have the authority to grant a variance from the provisions of this Article such as may be in harmony with its general purpose and intent, so that the spirit of this Article shall be observed, public safety and welfare served and substantial justice done. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82.)

**VARIANCES:
APPLICATIONS
FOR VARIANCES:
FEES**

SECTION 7510. The Zoning Administrator shall grant a variance under the provisions of this Article only upon the filing of a written application therefor by the owner of the real property affected or his authorized agent. The Building and Planning Director shall prescribe the form of application for such variances. At the time of filing the application, the applicant shall pay a fee of One Hundred

and Seventy-Five Dollars (\$175.00) to defray the expenses incidental to the proceedings. No part of said fee shall be returned to the applicant if he subsequently withdraws his application for such a variance, except in accordance with Section 107 of this Ordinance Code. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 1217, effective 7-1-68; amended by Ord. No. 1299, effective 4-17-69; amended by Ord. No. 1366, effective 4-2-70; amended by Ord. No. 2439, effective 10-1-81; amended by Ord. No. 2481, effective 7-1-82; amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2728, effective 10-16-86.)

**VARIANCES:
EXEMPTION FROM
FEES**

SECTION 7510.5. If the County Road Commissioner certifies to the Building and Planning Director that an application for variance is being filed as a result of a proposed acquisition of property by the County from the person applying for the variance, the Building and Planning Director shall accept and process the application for a variance without payment of the fee prescribed in Section 7510 of this Article. (Added by Ord. No. 1273, effective 11-19-68; amended by Ord. No. 2524, effective 3-31-83.)

**VARIANCES:
PROCEDURE FOR
PROCESSING
VARIANCES**

SECTION 7511.

(a) Before acting on a variance the Zoning Administrator shall hold at least one (1) public hearing. Notice of such public hearing shall be given by publishing a notice of such hearing setting forth the time and place of the hearing and the nature of the variance requested, in a newspaper of general circulation published in the County, once, not less than ten (10) days prior to the date of such public hearing, and by mailing a copy of the notice of said hearing, not less than ten (10) days prior to the date of such public hearing, to the following persons:

- (1) The applicant.
- (2) Division of Highways of the California Department of Transportation, if a State highway is involved.
- (3) County Public Works Director.
- (4) Supervisor of the Supervisorial District in which the highway affected is located.
- (5) County Health Officer.

(b) The decision of the Zoning Administrator shall be in writing and shall include findings of facts relied on in making the decision.

- (c) A copy of the decision of the Zoning Administrator shall be publicly posted at or near the door of the Building and Planning Department for a period of one (1) week following the making thereof. Not more than two (2) days after making the decision on the application, the Zoning Administrator shall cause a copy of the decision to be mailed to the applicant, to the Board of Supervisors, and to any other person who has expressed an interest therein and has deposited with the Zoning Administrator a self-addressed, stamped envelope for that purpose. Failure to mail or to receive such notice, as a result of mistake or inadvertence, shall not affect the validity of the decision. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82; amended by Ord. No. 2524, effective 3-31-83.)

**VARIANCES:
CONDITIONS**

SECTION 7512. Any variance granted pursuant to the provisions of this Article may be granted subject to any reasonable conditions that the Zoning Administrator may deem necessary to effectuate the purposes of this Article. Any variance which is granted subject to conditions may be revoked by the Zoning Administrator if any of the conditions are violated. The same procedures shall be followed for revocation of a variance as are followed for granting a variance, including the appeal procedures, except that notice of the public hearing by the Zoning Administrator on revocation need not be published in a newspaper. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82.)

**VARIANCES:
APPEALS**

SECTION 7513.

- (a) Except as herein provided, all appeals regarding decisions on variances shall be subject to the provisions of Section 115 of this Ordinance Code.
- (b) Any person adversely affected by a decision of the Zoning Administrator on the variance may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) days after the date on which the decision of the Zoning Administrator was made. An appeal shall specifically set forth the grounds for the appeal. In addition to the notice requirements of section 115 of this Ordinance Code, the Board shall give notice of the appeal hearing to the persons and agencies named in section 7511 of this Article for giving notice by the Zoning Administrator. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2481, effective 7-1-82.)

**VARIANCES:
PROCEDURE ON
REHEARING OR
RECONSIDERATION**

SECTION 7514. (Added by Ord. No. 1204, effective 3-21-68; repealed by Ord. No. 2481, effective 7-1-82.)

**JUDICIAL REVIEW
OF DECISION**

SECTION 7514.5. (Added by Ord. No. 2019, effective 6-9-77; repealed by Ord. No. 2481, effective 7-1-82.)

SPECIFIC PLANS

SECTION 7515. On highways for which Specific Plans of Streets and Highways have been adopted, or are hereafter adopted, pursuant to the provisions of Article 2 of this Chapter (commencing at section 7520), any building line setbacks which are shown upon such Specific Plans shall prevail over the provisions of this Article. (Added by Ord. No. 1204, effective 3-21-68.)

**CONFLICTING
ORDINANCES**

SECTION 7516. No zoning ordinance, including Ordinance No. 352 and Article I of Chapter 2 of this Part (commencing at section 7150), shall be construed as permitting a building line setback less than that provided in this Article, nor shall this Article be construed as permitting a front yard depth or side yard depth which is less than is required by any such zoning ordinance. (Added by Ord. No. 1204, effective 3-21-68.)

INVALID PERMITS

SECTION 7517. County officers and employees who are authorized or required by law to issue permits, licenses or other evidences of authority for the construction, erection or location of any building, structure, well, or any other installation described in section 7501 of this Article, shall not issue any such permit, license or other evidence of authority contrary to the provisions of this Article. Any such permit, license or evidence of authority issued which conflicts with the provisions of this Article shall be null and void. (Added by Ord. No. 1204, effective 3-21-68.)

NUISANCE

SECTION 7517.5. Any building, structure, well, tree, shrub or other installation described in section 7501 of this Article which is not in full compliance with the requirements of this Article shall constitute a public nuisance. (Added by Ord. No. 2235, effective 5-17-79.)

VIOLATIONS

SECTION 7518. Any person violating any of the provisions of this Article which are declared to be unlawful shall be guilty of an infraction and shall be punishable as provided in section 106 of this Ordinance Code. Each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any such provision of this Article is committed, permitted or continued by such person, and shall be punishable therefor as provided hereinabove. (Added by Ord. No. 1204, effective 3-21-68; amended by Ord. No. 2235, effective 5-17-79.)

Surface Mining And Reclamation

CHAPTER 7. SURFACE MINING AND RECLAMATION
(Chapter 7 added by Ord. No. 2220, effective 3-29-79.)

ARTICLE 1. GENERAL PROVISIONS

**LEGISLATIVE
INTENT**

SECTION 7700. This Chapter is adopted to implement and supplement the California Surface Mining and Reclamation Act of 1975 (section 2710 et seq. of the Public Resources Code of the State of California), hereinafter called the "Act," and section 3500 et seq. of Title 14 of the California Administrative Code, hereinafter called the "regulations." All of the requirements of the Act and the regulations are incorporated herein by reference and shall apply as though expressly set forth herein.

PURPOSES

SECTION 7701. This Chapter is adopted to regulate the extraction of minerals and to require plans for the reclamation of mined lands, in order to carry out the purposes set forth in sections 2711 and 2712 of the Act and to implement the mineral resources policies in the Tulare County General Plan.

DEFINITIONS

SECTION 7702. The definitions set forth in section 2725 et seq. of the Act and 3500 et seq. of the regulations shall apply throughout this Chapter.

**CONFLICTING
ORDINANCES**

SECTION 7703. No permit or reclamation plans shall be approved which does not comply with the zoning ordinances applicable to the property or does not comply with any other ordinance of the County which prohibits or regulates the surface mining operations proposed by the applicant.

APPLICATION

SECTION 7704. This Chapter applies to all land owned by any individual, firm, partnership, joint venture, association, corporation, estate or trust. In addition, it applies to any land owned by the United States and any agency of the United States, the State of California and any agency of the State, a city, and a public district or political subdivision of the State of California insofar as it is legally possible to enforce this Chapter, or any portion thereof, against such entities.

**ARTICLE 2. PERMIT AND RECLAMATION
PLAN REQUIREMENTS**

**PERMIT: WHEN
REQUIRED**

SECTION 7710. Except as provided in sections 7711 and 7712 of this Article, any person who proposes to engage in surface mining operations within the unincorporated area of Tulare County shall, prior to the commencement of such operations, obtain a permit to mine and approval of a reclamation plan in accordance with the provisions of this Chapter, the Act and the regulations.

EXCEPTIONS

SECTION 7711. The provisions of this Chapter are not applicable to those activities and operations which are exempted by sections 2714 and 2776 of the Act.

VESTED RIGHTS: PERMIT NOT REQUIRED: RECLAMATION PLAN REQUIRED

SECTION 7712.

- (a) No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this Chapter as long as such vested right continues, provided that no substantial change is made in that operation. A person shall be deemed to have such vested rights if, prior to January 1, 1976, he has in good faith and in reliance upon a permit or other authorization, if such permit or other authorization was required, diligently commenced surfacing mining operations and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the issuance of a permit shall not be deemed liabilities for work or materials.
- (b) A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the County Planning Commission and receive, within a reasonable period of time, approval of a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the County prior to January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in accordance with that plan. Nothing in this Chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to, but not after, January 1, 1976. Within sixty (60) days after the effective date of this Chapter, the Building and Planning Director shall identify all operating surface mines within the unincorporated areas of the County and notify the operators that reclamation plans must be submitted within a reasonable time, but not later than September 1, 1979. (Amended by Ord. No. 2524, effective 3-31-83.)

APPLICATION FOR PERMIT AND RECLAMATION PLAN

SECTION 7713.

- (a) An application for a permit or approval of a reclamation plan required by sections 7710 and 7712 of this Article shall be made to the Building and Planning Director. Such applications shall be on forms furnished by the Building and Planning Department and shall provide all information pertaining to the mining operation required by the Act, the regulations and such additional information as may be required by the Building and Planning Director. Every application shall be signed by the owner or operator of the mining

operation or proposed mining operation. (Amended by Ord. No. 2524, effective 3-31-83.)

- (b) In addition to the foregoing, the Planning Commission may require such other and further information relevant to the project as it may deem necessary to determine whether the public health and safety require the denial of the permit or plan and the imposition of conditions.
- (c) The Building and Planning Director shall notify the State Geologist of the filing of all permit applications. (Amended by Ord. No. 2524, effective 3-31-83.)

**APPLICATION:
FEE**

SECTION 7714. Each application for a mining permit and/or a reclamation plan or an amendment thereto shall be accompanied by a fee in the amount of Nine Hundred and Ten Dollars (\$910.00). No part of said fee shall be returned if the applicant subsequently withdraws his application, except in accordance with section 107 of this Ordinance Code. (Amended by Ord. No. 2439, effective 10-1-81; amended by Ord. No. 2590, effective 3-15-84; amended by Ord. No. 2667, effective 9-12-85; amended by Ord. No. 2728, effective 10-16-86; amended by Ord. No. 2797, effective 10-24-87.)

**PROCEDURE FOR
PROCESSING
PERMITS AND
RECLAMATION
PLANS**

SECTION 7715.

- (a) Before granting a permit, or approving a reclamation plan or an amendment thereto, the Planning Commission shall hold a public hearing. The Building and Planning Director shall set the public hearing on a date not more than ninety (90) days after the acceptance of the application as complete in accordance with section 65943 of the Government Code of the State of California. However, if an environmental impact report is required to be prepared under the Environmental Quality Act of 1970, and regulations adopted pursuant thereto, the matter shall be set for hearing not more than thirty (30) days after completion of the final environmental impact report rather than the ninety (90) day period specified above. (Amended by Ord. No. 2524, effective 3-31-83.)
- (b) Not less than ten (10) days prior to the public hearing, the Building and Planning Director shall cause notice of hearing to be given. Notice shall be given by mailing a notice of the hearing to the applicant and to the owners of all property within three hundred (300) feet of the exterior boundaries of the property to which the permit or reclamation plan would apply. If the property to which the permit or reclamation plan would apply is only a portion of the contiguous property owned by the applicant or the person leasing land to the applicant, then said notice shall be mailed to all owners of property within three hundred

(300) feet of the exterior boundaries of all such contiguous property owned by the applicant or the person leasing land to the applicant. Regardless of the foregoing provisions, no notice need be given to any owner of property which is located more than one-half (1/2) mile from the exterior boundaries of the property to which the permit or reclamation plan would apply. The name and address of said owners, for the purpose of such notice, shall be taken from the latest equalized County assessment roll. Failure to mail or to receive such notice, as a result of mistake or inadvertance, shall not affect the validity of the hearing or the decision rendered. (Amended by Ord. No. 2524, effective 3-31-83.)

- (c) After the hearing, the Planning Commission shall, by resolution, grant or deny approval of the permit or reclamation plan and shall include findings of facts relied on in making the decision. The permit and/or reclamation plan will be approved only if they fully comply with the requirements of the Act, the regulations and this Chapter and if the establishment, maintenance and operation of the mining operation will not be detrimental to the public health, safety, peace, comfort and general welfare. Any approval may be granted subject to any condition which the Planning Commission may deem necessary to effectuate the purposes of the Act, the regulations and this Chapter.
- (d) Not more than ten (10) calendar days after the Planning Commission has made its decision, the Building and Planning Director shall cause a copy of the decision to be mailed to the applicant, and to any other person who has expressed an interest therein and has deposited with the Building and Planning Department a self-addressed, stamped envelope for that purpose. Failure to mail or to receive such notice, as a result of mistake or inadvertance, shall not affect the validity of the decision. (Amended by Ord. No. 2524, effective 3-31-83.)
- (e) The decision of the Planning Commission shall become final twenty (20) calendar days after the date the decision is made if no appeal has been filed pursuant to section 7717 of this Article.

RECLAMATION PLAN AMENDMENTS

SECTION 7716. Amendments to the approved reclamation plan may be submitted to the Planning Commission at any time, detailing proposed changes from the original plan. Deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the Planning Commission. The same procedures shall be applicable to such an amendment as are applicable to the original plan.

APPEALS

SECTION 7717. Any person adversely affected by the decision of the Planning Commission on any permit, reclamation plan or amendment thereto may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) calendar days after the date on which the decision of the Planning Commission was made. An appeal shall be in writing and shall specifically set forth the grounds for the appeal. Upon the filing of an appeal, the Building and Planning Director shall transmit to the Clerk of the Board of Supervisors copies of all documents in the files of the Commission pertaining to the matter. The Clerk of the Board of Supervisors shall mail a notice of the appeal hearing to the appellant, the applicant, to all persons to whom copies of the decision of the Planning Commission were mailed, and to all property owners to whom notices were given pursuant to subsection (b) of Section 7715 of this Article, not less than ten (10) days prior to the appeal hearing. After the appeal hearing, the Board of Supervisors may affirm, reverse or modify the decision of the Planning Commission, or refer the matter back to the Commission for further action. The appeal rights under this section shall be exercised prior to filing an appeal pursuant to section 2775 of the act. (Amended by Ord. No. 2524, effective 3-31-83; amended by Ord. No. 2545, effective 7-28-83.)

JUDICIAL REVIEW OF DECISION

SECTION 7718. Judicial review of a decision of the Board of Supervisors made after a hearing pursuant to this Chapter, if the decision denies or revokes a permit, a reclamation plan or an amendment thereto, shall be made pursuant to section 1094.6 of the Code of Civil Procedures of the State of California. The method of judicial review, the time limits for judicial review and all of the other provisions of said section 1094.6 shall govern such judicial review. When giving written notice to the applicant of its decision, the Board of Supervisors shall notify the applicant that the time within which judicial review must be sought is governed by said section 1094.6.

SECURITY FOR PERFORMANCE

SECTION 7719. The applicant may be required to execute a lien in favor of the County, or to deposit a surety bond or other security guarantee in favor of the County, conditioned upon the faithful performance of the reclamation plan. If, at any time thereafter, the Building and Planning Director determines that the amount of security may no longer be adequate to cover the cost of completing the required reclamation of the site, he may call a public hearing by the Planning Commission on the matter and give notice pursuant to subsection (b) of section 7715 of this Article. After the public hearing, the Planning Commission may increase or decrease the amount of security required or make no change in the security. (Amended by Ord. No. 2524, effective 3-31-83.)

RELEASE OF
SECURITY

SECTION 7720. Upon completion of the required reclamation by the operator, the Building and Planning Director shall make a final inspection of the surface mining site. If it is found upon inspection that all reclamation has been accomplished in accordance with the approved plan, the Building and Planning Director shall give written notice of that fact to the Board of Supervisors, and the Board of Supervisors shall thereafter cause any lien or other security to be released. (Amended by Ord. No. 2524, effective 3-31-83.)

PUBLIC RECORDS

SECTION 7721. Reclamation plans, reports, applications, and other documents submitted to the County pursuant to this Chapter are public records unless it can be demonstrated to the satisfaction of the Planning Commission that the release of such information, or part thereof, would reveal production, reserves or rates of depletion entitled to protection as proprietary information. Proprietary information shall be handled in accordance with section 2778 of the Act.

ARTICLE 3. REVOCATION

REVOCATION OF
PERMIT

SECTION 7725.

- (a) Failure of an owner or operator to comply with all conditions of approval of the permit, the Act, the regulations or this Chapter shall be a basis for revocation of the approval to conduct a surface mining operation. When noncompliance or a violation is discovered during an inspection or at any other time, the Building and Planning Director shall give the owner or operator of the surface mining operation written notice of the acts of noncompliance or violation and direct that they be corrected within a specified period of time. If such corrections are not made in compliance with the notice, the Building and Planning Director shall report the noncompliance to the Planning Commission which may commence revocation proceedings. (Amended by Ord. No. 2524, effective 3-31-83.)
- (b) Before revoking a permit, the Planning Commission shall hold a public hearing pursuant to the procedure set forth in section 7715 of this Chapter.
- (c) At the hearing the Planning Commission may require posting of security, if none was required initially, or change the amount of security originally required. The Planning Commission may revoke the permit and require that the reclamation plan be implemented immediately or may allow the continuation of the surface mining operations with or without additional conditions.

- (d) Any interested person shall be entitled to appeal to the Board of Supervisors from the decision of the Planning Commission as provided in section 7717 of this Chapter and judicial review of a decision to revoke the permit shall be governed by section 7718 of this Chapter. (Amended by Ord. No. 2524, effective 3-31-83.)

ARTICLE 4. VIOLATIONS

NUISANCE

SECTION 7730. Any surface mining and/or reclamation operations or activities which violate any provision of this Chapter, or of any permit or reclamation plan granted or approved pursuant to this Chapter, shall constitute a public nuisance.

VIOLATIONS

SECTION 7731. Every person violating any provision of this Chapter, or of any permit or reclamation plan granted or approved pursuant to this Chapter, is guilty of an infraction, and upon conviction thereof shall be punishable as provided in section 106 of this Ordinance Code. Such person shall be guilty of a separate offense for each and every day during any portion of which any violation of this Chapter is committed, continued or permitted by such person, and shall be punishable therefor as hereinabove provided.

Flood Damage Prevention

CHAPTER 8. FLOOD DAMAGE PREVENTION

(Chapter 8 added by Ord. No. 2726,
effective 9-29-86)

ARTICLE 1. GENERAL PROVISIONS

STATEMENT OF PURPOSE

SECTION 7800. It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (a) To protect human life and health;
- (b) To minimize the need for rescue and relief efforts associated with flooding;
- (c) To minimize potential property losses in special flood hazard areas;
- (d) To minimize damage to public facilities and utilities located in areas of special flood hazard.
- (e) To insure that potential buyers are notified that property is in an area of special flood hazard; and
- (f) To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

METHODS OF REDUCING FLOOD LOSSES

SECTION 7801. In order to accomplish its purposes, This Chapter includes methods and provisions for:

- (a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (d) Controlling, filling, grading, dredging, and other development which may increase flood damage; and

- (e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

DEFINITIONS

SECTION 7802. Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

Alluvial Fan

"ALLUVIAL FAN" is an area subject to flooding when the flood plain is comprised of low flow channels where sediment accompanies the shallow flooding and the unstable soils scour and erode during a flooding event.

Areas of Shallow Flooding

"AREAS OF SHALLOW FLOODING" is a designated AO or VO Zone on the Flood Insurance Rate Map. In these zones, the base flood depths range from one to three feet; a clearly defined channel does not exist; the noticeable path of flooding is unpredictable and indeterminate; and, noticeable velocity flow may be evident.

Area of Special Flood Hazard

"AREA OF SPECIAL FLOOD HAZARD" is the land in the flood plain subject to a one percent or greater chance of flooding in any given year. The area is designated as Zones A, AO, AH, AI-99, VO, and VI-30 on the FIRM.

Base Flood

"BASE FLOOD" is the flood having a one percent chance of being equaled or exceeded any given year.

Breakaway Walls

"BREAKAWAY WALLS" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is so designed as to breakaway under abnormal flood conditions without damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters.

Building Permit

"BUILDING PERMIT" means a permit issued pursuant to Chapter 4 of Part VII of the Ordinance Code, including a mobilehome installation permit.

Development

"DEVELOPMENT" is any man-made change to improved or unimproved real estate (including filling, grading, paving, excavation or drilling operations) located within the area of special flood hazard.

Existing mobile-home Park or Mobilehome Subdivision

"EXISTING MOBILEHOME PARK OR MOBILEHOME SUBDIVISION" is a parcel (or contiguous parcels) of land divided into two or more mobilehome lots for rent or sale for which the construction of facilities for servicing the lots on which the mobilehome is to be affixed (including, at a minimum, the installation of utilities, either final

site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.

Expansion to an Existing Mobile-Park or Mobile-home Subdivision

"EXPANSION TO AN EXISTING MOBILEHOME PARK OR MOBILE-HOME SUBDIVISION" is the preparation of additional sites by the construction of facilities for servicing the lots on which the mobilehomes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

Flood or Flooding

"FLOOD OR FLOODING" is a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland waters and/or

(b) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Boundary Floodway Map

"FLOOD BOUNDARY FLOODWAY MAP" is the official map on which the Federal Emergency Management Agency has delineated both the areas of flood hazard and the floodway.

Flood Insurance Rate Map (FIRM)

"FLOOD INSURANCE RATE MAP (FIRM)" is the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study

"FLOOD INSURANCE STUDY" is the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map (FIRM), the Flood Boundary Floodway Map, and the water surface elevation of the base flood.

Floodproofing

"FLOODPROOFING" means any combination of structural and non-structural additions, changes or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved property.

Flood-Related Erosion

"FLOOD-RELATED EROSION" is a condition that exists in conjunction with a flooding event that alters the composition of the bank of a watercourse and increases the possibility of loss due to the erosion of the land area adjacent to the watercourse.

Floodway

"FLOODWAY" means the channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary Floodway Map, on maps adopted by the State Reclamation Board when acting within its jurisdiction,

and/or on the County Zoning Map (signified by the F-1, Primary Flood Plain Zone).

Habitable Floor	"HABITABLE FLOOR" means any floor usable for living purposes, which includes working, sleeping, eating or recreation, or a combination thereof. For flood insurance purposes HABITABLE FLOOR and LOWEST FLOOR will share the same definition.
Highest Grade	"HIGHEST GRADE" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
Mobilehome	"MOBILEHOME" is a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers, or factory-built housing on permanent slab foundation.
New Construction	"NEW CONSTRUCTION" means structures for which the "start of construction" commenced on or after the effective date of this chapter.
New Mobilehome Park or Mobilehome Subdivision	"NEW MOBILEHOME PARK OR MOBILEHOME SUBDIVISION" is a parcel (or contiguous parcels) of land divided into two or more mobilehome lots for rent or sale for which the construction of facilities or servicing the lot (including, at the minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this chapter.
Start of Construction	"START OF CONSTRUCTION" is the first placement of permanent construction of a structure (other than a mobilehome) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobilehome) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobilehomes not within a mobilehome park or mobilehome subdivision, "start of construction" means the affixing of the mobilehome to its permanent site. For mobilehomes within mobilehome parks or mobilehome subdivisions, "start of construction" means the date on which the construction of facilities for servicing the site on

which the mobilehome is to be affixed (including, at a minimum the construction of streets, either final site grading, or the pouring of concrete pads, and installation of utilities) is completed.

Structure

"STRUCTURE" is a walled and roofed building or mobilehome that is principally above ground.

Substantial Improvement

"SUBSTANTIAL IMPROVEMENT" means any repair, reconstruction, or improvement to a structure, the cost of which or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started, or
- (b) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or County health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (b) Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

APPLICATION

SECTION 7803. This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the County of Tulare.

BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

SECTION 7804. The areas of special flood hazard identified by the Federal Insurance Administration, through the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Tulare County, California," dated September 29, 1986, with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Study is on file at the County Public Works Department.

COMPLIANCE

SECTION 7805. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations.

**ABROGATION
AND GREATER
RESTRICTIONS**

SECTION 7806. This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another chapter, ordinance, easement, covenant, or deed restriction, conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

INTERPRETATION

SECTION 7807. In the interpretation and application of this Chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the County of Tulare; and
- (3) Deemed neither to limit or repeal any other powers granted under state statutes.

**WARNING AND
DISCLAIMER OF
LIABILITY**

SECTION 7808. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the County of Tulare, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result reliant on this Chapter or any administrative decision lawfully made thereunder.

ARTICLE 2. ADMINISTRATION

**ESTABLISHMENT OF
BUILDING PERMIT**

SECTION 7810. A Building Permit shall be obtained in accordance with Chapter 4 of this Part before construction or development is commenced within any area of special flood hazard established in Section 7804 of this Chapter. In addition to the requirements of Chapter 4, an application for a Building Permit shall be made on forms furnished by the Building and Planning Director and may include, but not be limited to: plans in duplicate scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (a) Proposed elevation in relation to mean sea level, of the lowest habitable floor (including basement) of all structures; in Zones A0 and A elevation of existing grade and proposed elevation of lowest habitable floor of all structures.

- (b) Proposed elevation in relation to mean sea level to which any structure will be floodproofed;
- (c) Certification by a registered civil engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 7823(d); and
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

DESIGNATION OF RESPONSIBILITY

SECTION 7811. The Building and Planning Director and Public Works Director are hereby appointed to jointly administer and implement this Chapter by granting or denying building permit applications in accordance with its provisions.

JOINT DUTIES AND RESPONSIBILITIES

SECTION 7812. The joint duties and responsibilities of the Building and Planning Director and Public Works Director shall include, but not be limited to:

(a) Development Review:

- (1) Review of all building permits to determine that the permit requirements of this Chapter have been satisfied.
- (2) Review of all permits to determine that the site is reasonably safe from flooding.
- (3) Review of all building permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this Chapter, "adversely affected" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point.
- (4) Review of all proposals for the development of five (5) or more lots or dwelling units to assure that the flood discharge exiting the development after construction is equal to or less than the flood discharge at the location prior to development.

(b) Use of Other Base Flood Data:

When the base flood elevation data has not been provided in accordance with Section 7804 (special flood hazard areas designated as Zone A on the FIRM), the Building and Planning Director and

Public Works Director shall obtain, review, and reasonably utilize the best base flood data available from any source (federal, state or other) such as: high water mark(s), floods of record, or private engineering reports, in order to administer Article 3 of this Chapter and provide the developer with an estimated base flood elevation.

**DUTIES AND
RESPONSIBILITIES
OF THE BUILDING
AND PLANNING
DIRECTOR**

SECTION 7813. The duties and responsibilities of the Building and Planning Director shall include, but not be limited to:

(a) Referral and inspection:

- (1) Refer all building permits for property located within special flood hazard areas to the Public Works Director for review prior to approval.
- (2) Inspect all construction, including installation of mobilehomes, to insure compliance with the requirements of this Chapter.

(b) Information to be Obtained and Maintained:

Obtain and maintain for public inspection and make available as needed for flood insurance policies:

- (1) The certified elevation required in Section 7823(a); (residential)
- (2) The certification required in Section 7823(b); (shallow flooding)
- (3) The certification required in Section 7823(c); (Zone A)
- (4) The floodproofing certification required in Section 7823(d); (non-residential)
- (5) The certified elevation required in Section 7080.3; (subdivision) and
- (6) The anchoring and compliance certification required in Section 7828(b) and (d) (mobilehome).

(c) FEMA Reports:

Upon request by the Federal Emergency Management Agency (FEMA), prepare and submit reports to FEMA concerning the County's participation in the National Flood Insurance Program.

**DUTIES AND RE-
SPONSIBILITIES OF
THE PUBLIC WORKS
DIRECTOR**

SECTION 7814. The duties and responsibilities of the Public Works Director in his capacity as Engineer to the Tulare County Flood Control District, shall include, but not be limited to:

(a) Alteration of Watercourses:

Notify adjacent cities and counties and the State Reclamation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(b) Interpretation of Flood Insurance Rate Map (FIRM) Boundaries:

Provide interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards. Where there appears to be a conflict between a mapped boundary and actual field conditions, the applicant may file for a "Letter of Map Amendment" (LOMA) in accordance with the National Flood Insurance Program. The LOMA may be filed with the Public Works Director for transmittal to FEMA in the manner provided by law.

**FLOOD CONTROL
MASTER PLAN**

SECTION 7815. The Board of Supervisors, Planning Commission, Site Plan Review Committee and Zoning Administrator shall weigh all requests for future floodplain development against the Flood Control Master Plan of the Tulare County Control District. Consideration of the following elements are required before approval:

- (1) Determination of whether or not a proposed development is in or affects a known flood plain.
- (2) Inform the public of the proposed activity.
- (3) Determine if there is a practicable alternative or site for the proposed activity.
- (4) Identify the impact of the activity on the flood plain.
- (5) Provide a plan to mitigate the impact of the activity in accordance with the provisions in Section 7812(a)(4).

ARTICLE 3: PROVISIONS FOR FLOOD HAZARD REDUCTION

STANDARDS OF CONSTRUCTION

SECTION 7820. In all areas of special flood hazard shown on the FIRM, the standards set forth in this Article shall be required:

ANCHORING

SECTION 7821.

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) All mobilehomes shall meet the anchoring standards of Section 7828(a).

CONSTRUCTION MATERIALS AND METHODS

SECTION 7822.

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new construction and substantial improvements shall use methods and practices that minimize flood damage.
- (c) All elements that function as a part of the structure, such as furnace, hot water heater, air conditioner, etc., shall be elevated to or above the base flood elevation or depth number specified on the Flood Insurance Rate Map (FIRM).

ELEVATION AND FLOODPROOFING:

SECTION 7823.

- (a) New construction and substantial improvement of any structure shall have the bottom of the lowest floor beam or basement floor elevated to or above the base flood elevation. Nonresidential structures may meet the optional standards in paragraph d of this Section. Prior to issuance of the occupancy permit or certificate, the elevation of the lowest floor, including the basement, shall be certified by a registered civil engineer or land surveyor that the elevation requirements have been met and verified by the County Surveyor. Notification of compliance shall be recorded as set forth in Section 7813(b).
- (b) New construction and substantial improvement of any structure in Zone AO shall have the bottom of the lowest floor beam or basement floor elevated to or above the depth number specified on the Flood Insurance Rate Map (FIRM). Nonresidential structures may meet the optional standards in paragraph d of this Section. Prior to issuing the occupancy permit, compliance with the elevation requirement shall be certified by a registered

civil engineer or land surveyor and verified by the County Surveyor. Notification of compliance shall be recorded as set forth in Section 7813(b).

- (c) If no base flood elevation or depth number is provided as the FIRM (Zone A), any new construction or substantial improvement of any structure shall have the bottom of the lowest floor beam or basement floor elevated to: (1) a height of at least two (2) feet above the highest adjacent grade or, (2) eighteen (18) inches above the top of the curb across the front of the lot, or (3) the estimated base flood elevation if one has been provided in accordance with Section 7812(b). Nonresidential structures may meet the optional standards set forth in paragraph (d) of this section. Prior to issuing the occupancy permit, compliance with the elevation requirement shall be certified by a registered civil engineer or land surveyor, and verified by the County Surveyor. Notification of compliance shall be recorded as set forth in Section 7813(b).
- (d) Nonresidential construction shall either be elevated in conformance with paragraphs a, b or c of this section or together with attendant utility and sanitary facilities, be floodproofed to the base flood elevation by one or more of the following:
 - (1) Installation of watertight doors, bulkheads, and shutters.
 - (2) Reinforcement of walls to resist water pressure.
 - (3) Use of paints, membranes, or mortars to reduce seepage through walls.
 - (4) Addition of mass or weight to structure to resist flotation.
 - (5) Armour protection of all fill materials from scour and/or erosion.

Certification by a registered civil engineer or architect that the standards of this paragraph are satisfied shall be provided to the Building and Planning Director as set forth in Section 7813(b).

- (e) Mobilehomes shall meet the above standards and also the standards in Section 7828.

**STANDARDS FOR
ELEVATION
CERTIFICATES:**

SECTION 7823.1.

- (a) Certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the structure's lowest horizontal member is required at that point where the footings are set and slab poured. Failure to submit an elevation certification shall be cause to issue a stop-work order for the project. As built plans certifying the elevation of the lowest adjacent grades is also required.
- (b) Except within zones A and AO, the benches that are shown on the FIRM shall be used in calculating the elevation of the lowest floor.
- (c) If fill is used to elevate a structure above the base flood elevation, the permit holder may apply for a Letter of Map Amendment (LOMA), as set forth in Section 7814(b).

**STANDARDS FOR
ALLUVIAL FANS**

SECTION 7824. Areas subject to alluvial fan flooding have irregular flow paths that result in erosion of existing channels and the undermining of fill material. Those areas are identified on the Flood Insurance Rate Map (FIRM) as AO Zones with velocities.

- (a) All structures must be securely anchored to minimize the impact of the flood and sediment damage.
- (b) All new construction and substantial improvements must be elevated on pilings, columns, or armoured fill so that the bottom lowest floor beam is elevated at or above the depth number.
- (c) Use of all fill materials must be armoured to protect the material from the velocity of the flood flow.
- (d) All proposals for subdivision development must provide a mitigation plan that identifies the engineering methods used to:
 - (1) Protect structures from erosion and scour caused by the velocity of the flood flow.
 - (2) Capture or transport flood and sediment flow through the subdivision to a safe point of disposition.
- (e) All mobilehomes shall be prohibited within the identified hazard area except within existing mobilehome parks or subdivisions.

**STANDARDS FOR
STORAGE OF
MATERIALS AND
EQUIPMENT**

SECTION 7825.

- (a) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, is prohibited.
- (b) Storage of other materials or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

**STANDARDS FOR
UTILITIES:**

SECTION 7826.

- (a) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
- (b) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**STANDARDS FOR
SUBDIVISIONS**

SECTION 7827. The design and improvement standards for subdivisions located within areas of special flood hazard are set forth in Chapter 1 of this Part.

**STANDARDS FOR
MOBILEHOMES AND
MOBILEHOME PARKS
AND SUBDIVISIONS**

SECTION 7828.

- (a) All new mobilehomes and additions to mobilehomes shall be anchored to resist flotation, collapse, or lateral movement by at least one of the following methods:
 - (1) By providing an anchoring system designed to withstand horizontal forces of 15 pounds per square foot and uplift forces of 9 pounds per square foot; or
 - (2) By the anchoring of the unit's system, designed to be in compliance to the Department of Housing and Urban Development Mobilehome Construction and Safety Standards; or
 - (3) By bolting the frame or undercarriage to a reinforced, permanent foundation such as a retaining wall or storm wall used to set the unit.

As set forth in Section 7813(b), certification meeting the standards above is required of the installer or state agency responsible for regulating the placement, installation, and anchoring of individual mobilehome units.

- (b) The following standards shall be required for mobilehomes not placed in mobilehome parks or subdivisions, new mobilehome parks or subdivisions, expansions to existing mobilehome parks or subdivisions, and repair, reconstruction, or improvements to existing mobilehome parks or subdivisions that equals or exceeds 50 percent of the value of the streets, utilities, and pads before the repair, reconstruction or improvement commences:
 - (1) Adequate surface drainage and access for a hauler shall be provided.
 - (2) All mobilehomes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobilehome is at or above the base flood level. If elevated on pilings:
 - (i) The lots shall be large enough to permit steps;
 - (ii) The pilings shall be placed in stable soil no more than ten (10) feet apart; and
 - (iii) Reinforcement shall be provided for pilings more than six (6) feet above ground level.
- (c) Certification of compliance is required of the developer responsible for the plan or state agency responsible for regulating mobilehome placement.

FLOODWAYS

SECTION 7829. Areas designated as floodways are located within areas of special flood hazard established in Section 7804. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (b) If no floodway is identified, the Public Works Director may require the permit holder to provide an engineering study for the project area that establishes a setback where no encroachment of any new development will be allowed that would increase the water surface elevation of the base flood plus one (1) foot; or establish a setback

from the stream bank equal to five (5) times the width of the stream at the top of the bank or twenty (20) feet on each side from the top of the bank, whichever is greater.

- (c) No mobilehome shall be placed in a floodway, except in an existing mobilehome park or existing mobilehome subdivision.
- (d) The requirements of Section 14.7 of the County Zoning Ordinance (Ordinance No. 352 as amended) shall also be applicable at such time that the County Zoning Map is amended to apply F-1 zoning within the floodway.

ARTICLE 4. VARIANCES

VARIANCES: AUTHORITY TO ACT

SECTION 7830. If practical difficulties, unnecessary hardships or results inconsistent with the general purpose of this Chapter result through the strict interpretation and enforcement of this Chapter, then the Zoning Administrator shall have the authority to grant a variance from the provisions of this Chapter such as may be in harmony with its general purpose and intent, so that the spirit of this Chapter shall be observed, public safety and welfare served and substantial justice done.

APPLICATIONS FOR VARIANCES: FEES:

SECTION 7831. The Zoning Administrator shall grant a variance under the provisions of this Article only upon the filing of a written application therefor by the owner of the real property affected or his or her authorized agent. The Building and Planning Director shall prescribe the form of application for such variances. At the time of filing the application, the applicant shall pay a fee of One Hundred and Sixty-Five (\$165.00) to defray the expenses incidental to the proceedings. No part of said fee shall be returned to the applicant if he or she subsequently withdraws the application, except in accordance with Section 107 of this Ordinance Code.

PROCEDURE FOR PROCESSING VARIANCES:

SECTION 7832.

- (a) Before acting on a variance the Zoning Administrator shall hold at least one (1) public hearing. Notice of such public hearing shall be given by publishing a notice of such hearing setting forth the time and place of the hearing and the nature of the variance requested, in a newspaper of general circulation published in the County, once, not less than ten (10) days prior to the date of such public hearing, and by mailing a copy of the notice of said hearing, not less than ten (10)

days prior to the date of such public hearing, to the following persons or agencies:

- (1) The applicant.
 - (2) County Flood Control Engineer.
 - (3) County Public Works Director.
 - (4) Supervisor of the Supervisorial District in which the property is located.
 - (5) State Reclamation Board.
 - (6) All owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property which is the subject of the variance.
- (b) The decision of the Zoning Administrator shall be in writing and shall include findings of facts relied on in making the decision.
- (c) A copy of the decision of the Zoning Administrator shall be publicly posted at or near the door of the Building and Planning Department for a period of one (1) week following the making thereof. Not more than two (2) days after making the decision on the application, the Zoning Administrator shall cause a copy of the decision to be mailed to the applicant, to the Board of Supervisors, and to any other person who has expressed an interest therein and has deposited with the Zoning Administrator a self-addressed, stamped envelope for that purpose. Failure to mail or to receive such notice, as a result of mistake or inadvertance, shall not affect the validity of the decision.

**VARIANCES:
FACTORS TO
CONSIDER**

SECTION 7833. In passing upon such applications, the Zoning Administrator shall consider all technical evaluations and all relevant factors and standards specified in this Chapter, and:

- (a) The danger that materials may be swept onto other lands to the injury of others.
- (b) The danger to life and property due to flooding or erosion damage.
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (d) The importance of the services provided by the proposed facility to the County.

- (e) The necessity to the facility of a waterfront location, where applicable.
- (f) The availability of alternative locations for the proposed uses that are not subject to flooding or erosion damage.
- (g) The compatibility of the proposed use with existing and anticipated development.
- (h) The relationship of the proposed use to the County General Plan and the floodplain management program for that area.
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

**VARIANCES: PRIOR
CONSENT**

SECTION 7033.5. No variance which is subject to the provisions of Section 8414.2 of the California Water Code shall be approved without the prior written consent of the Department of Water Resources or State Reclamation Board and of the Engineer for the County Flood Control District.

**VARIANCES:
LOT SIZE
CONSIDERATIONS**

SECTION 7834. Generally, variances may be approved for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the factors set forth in Section 7833 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

**VARIANCES:
AUTHORITY TO
IMPOSE CONDITIONS**

SECTION 7835. Upon consideration of the factors set forth in Section 7833 and the purposes of this Chapter, the Zoning Administrator may attach such conditions to the granting of variances as he or she deems necessary to further the purpose of this Chapter.

**VARIANCES:
CONDITIONS**

SECTION 7036.

- (a) Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard

to the procedures set forth in the remainder of this Section.

- (b) Variances shall not be granted within any floodway if any increase in flood levels during the base flood discharge would result.
- (c) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be granted upon:
 - (1) A showing of good and sufficient cause such as renovation, rehabilitation, or reconstruction. Variances for reasons of economic considerations, aesthetics, or because variances have been used in the past shall not be considered good and sufficient cause.
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing County ordinances.
- (e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation.

USE PERMIT

SECTION 7836.5. Notwithstanding the provisions of Section 7830, no variance shall be required under this Article if the proposed construction or substantial improvements have been approved in accordance with the use permit requirements set forth in Section 14.7 of the County Zoning Ordinance (Ordinance No. 352, as amended).

REVOCATIONS

SECTION 7837. Any variance which is granted subject to conditions may be revoked by the Zoning Administrator if any of the conditions are violated. The same procedures shall be followed for revocation of a variance as are followed for granting a variance, including the appeal procedures, except that notice of the public hearing by the Zoning Administrator on revocation need not be published in a newspaper.

APPEALS

SECTION 7838.

- (a) Except as herein provided, all appeals regarding decisions on variances shall be subject to the provisions of Section 115 of this Ordinance Code.
- (b) Any person adversely affected by a decision of the Zoning Administrator on the variance may appeal the decision to the Board of Supervisors. An appeal to the Board of Supervisors shall be in writing and filed with the Clerk of the Board of Supervisors within ten (10) days after the date on which the decision of the Zoning Administrator was made. An appeal shall specifically set forth the grounds for the appeal. In addition to the notice requirement of Section 115 of this Ordinance Code, the Board shall give notice of the appeal hearing to the persons and agencies named in Section 7832 of this Article for giving notice by the Zoning Administrator.

RECORDS

SECTION 7839. The Building and Planning Director shall maintain the records of all variances and appeal actions and report any variances to the Federal Emergency Management Agency upon request.

ARTICLE 5. NUISANCE, VIOLATIONS

NUISANCE

SECTION 7840. Any building, structure, substantial improvement, or other installation which is subject to this Chapter and which is not in full compliance with the requirements of this Chapter shall constitute a public nuisance.

VIOLATIONS

SECTION 7841. Any person violating any of the provisions of this Chapter which are declared to be unlawful shall be guilty of an infraction and shall be punishable as provided in section 106 of this Ordinance Code. Each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any such provision of this Chapter is committed, permitted or continued by such person, and shall be punishable therefor as provided hereinabove.

Appendix

A SUMMARY* OF LAND USE CONTROLS WHICH ARE
APPLICABLE TO THE A-1 (AGRICULTURAL) ZONE
AS EXCERPTED FROM THE TULARE COUNTY ZONING
ORDINANCE

*The following information is taken from various sections of the Zoning Ordinance which pertain to allowed activities in the A-1 Zone. It is not the official text of the Ordinance and may not answer all questions which may arise. Please contact the Tulare County Building and Planning Department for further information.

REGULARLY
PERMITTED
USES

A.

1. Mobilehomes and residences for the owners and lessees of the property and for housing farm employees who work on the property.
2. One (1) mobilehome or single-family residence for persons other than those mentioned in number 1 above for each two and one-half (2-1/2) acres in the entire property. If a lot has less than two and one-half (2-1/2) acres and was of record on January 11, 1973, one (1) single-family residence or mobilehome for persons other than those mentioned in number 1 above may be constructed.
3. The growing and harvesting of field crops, grain and hay crops, fruit and nut trees, vines, vegetables, horticultural specialties and timber, and the growing of grass for pasture and grazing, except mushroom growing.
4. The raising and slaughter of poultry up to a maximum of three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, and not to exceed a total of one thousand (1,000) birds in all, unless a Use Permit has been secured as required under subsection B.
5. The raising and slaughter of rabbits and other similar furbearing animals. The maximum number of mature animals allowed on any parcel shall not exceed two hundred and forty (240) unless a Use Permit has been secured as required under subsection B. Any offspring of the animals may remain on the property until they reach the normal age for weaning.
6. The raising and slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds. The total of such animals on the property shall not exceed two (2)

mature animals for each acre in the entire property, excluding feed lots or areas for concentrated feeding of more than twenty-five (25) animals, unless a Use Permit has been secured as required under subsection b. Any offspring of the animals allowed may remain until they reach the normal age for weaning.

7. Dairies when not more than 25 cows are on the property at any time.
8. Feed lots for 25 animals or less.
9. Apiary and honey extraction plant.
10. Incidental and accessory structures and uses including barns, stables, coops, tank houses, storage tanks, wind machines, windmills, silos and other farm buildings, private garages and carports, guest houses, storehouses, garden structures, greenhouses, recreation rooms, and the storage and use of petroleum products.
11. Plant nursery, not including retail sales.
12. Sale of agricultural products, including sale at roadside stands and from vehicles, if more than one-half (1/2) of the retail value of the agricultural products offered for sale at any time has been produced on the property where the sale is conducted or on other property owned by the same person who owns the property where the sale is conducted. As used in this paragraph, "agricultural products" means commodities produced for the purpose of food, fuel and fiber, and also includes feed for livestock and fowl and trees grown for ornamental use, such as Christmas trees.
13. Signs which pertain only to a permitted use of the property on which the sign is situated or which pertain to the sale, lease or rental of the property or a structure or personal property located on the property. In addition, signs which are no larger than four (4) square feet in area and which pertain to producer and marketing associations and organizations with which the owner or lessee is affiliated are allowed.
14. Temporary landing of aircraft engaged in agricultural uses.
15. Fish farming operations for the raising and harvesting of fish as a crop, but not including fishing clubs or fishing for the general public on a commercial basis.

16. Game preserve, private or public, but not including hunting clubs, or hunting for members of the public on a commercial basis.
17. Open space uses including, but not limited to, a scenic highway corridor, wildlife habitat area, saltpond, managed wetland area or a submerged area, as defined as agricultural land by the Land Conservation Act of 1965, as amended.
18. Jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Public.

**USES REQUIRING
A USE PERMIT**

B.

1. Agricultural aircraft industries and services establishments located with an airport or heliport.
2. Agricultural chemicals; storage, handling and manufacturing.
3. Agricultural chemical experiment stations.
4. Agricultural dehydrator with more than a combined total of one hundred (100) horsepower in all motors used.
5. Agricultural service establishments primarily engaged in performing agricultural animal husbandry services or horticultural services to farmers, and services to farmers or farm-related activities in planting, harvesting, storage, hauling and equipment repair and maintenance.
6. Airports, however, no Use Permit is required to locate an airport in conformity with the Tulare County Airport Master Plan.
7. Airport, agricultural.
8. Animal hospital, large and small, or clinic and veterinarian office.
9. Animal sales yard.
10. Asphalt manufacturing and refining.
11. Assemblage of people for education or entertainment purposes in a building or open area not otherwise approved for assemblage. (NOTE: A use permit for the assemblage of people may include approval of sales of alcoholic beverages under an on-sale license.)

12. Ball Park.
13. Biomass fuel manufacturing for commercial or personal use.
14. Borrow pit, however, no Use Permit is required for an operation subject to a surface mining permit or reclamation plan.
15. Brick, tile and terra cotta manufacturing.
16. Campground.
17. Carnival.
18. Cemetery, columbarium, mausoleum, or crematory.
19. Church.
20. Circus.
21. Concrete products manufacturing.
22. Cotton gin and oil mill.
23. Dairy, when more than 25 cows are on the property at any time.
24. Establishments for the curing, processing, packaging, packing, storage and shipping of agricultural products.
25. Equestrian establishments such as academies, schools and stables.
26. Expansion, alteration or replacement of nonconforming buildings and uses which were legally established in accordance with all applicable building and zoning regulations and which are now legally nonconforming.
27. Fairgrounds.
28. Feed lot for more than twenty-five (25) animals.
29. Feed mill with more than a combined total of one hundred seventy-five (175) horsepower in all motors used.
30. Fertilizer manufacturing.
31. Fire station.
32. Flammable liquids stored above ground.
33. Fish smoking, curing and canning.

34. Golf course.
35. Golf driving range.
36. Guest ranch and summer camps.
37. Heliport.
38. Heliport, agricultural.
39. Hospital, sanitarium and nursing home.
40. Hunting and fishing clubs and hunting and fishing on a commercial basis for members of the general public.
41. Jails or correctional institutions, however, no use permit is required to locate a jail or correctional institution in conformance with the Public Buildings Element of the Tulare County General Plan.
42. Kennels.
43. Labor camp, permanent.
44. Manufacture of irrigation pipe and accessory equipment and agricultural machinery, equipment, implements and containers, including sales and storage thereof, provided that any such irrigation pipe, machinery, equipment, implements or containers are used specifically to aid in the production of farm animals or crops and at least 50% of the manufactured products are sold directly to farmers.
45. Mining or extraction of metals, minerals, oil, gas or hydrocarbons, together with necessary buildings, apparatus or appurtenances incidental thereto; however, no use permit is required for an operation which is subject to a surface mining permit or reclamation plan.
46. Mushroom growing.
47. Olive processing plants.
48. Petroleum products; manufacturing and wholesale storage.
49. Police stations.
50. Potash works, however, no use permit is required for an operation which is subject to a surface mining permit or reclamation plan.

51. Public park or playground.
52. Public works maintenance facilities.
53. Public utility structure.
54. Quarry and stone mill, however, no use permit is required for an operation which is subject to a surface mining permit or reclamation plan.
55. Race track.
56. Radio, microwave and television towers in excess of 75 feet in height or within two miles of an airport or heliport.
57. Raising or slaughter of poultry when more than three (3) birds for each one thousand three hundred (1,300) square feet in the entire property, or more than a total of one thousand (1,000) birds in all, are on the property at any time.
58. Raising or slaughter of rabbits or other similar furbearing animals when a total of more than two hundred and forty (240) mature animals are on the property at any time.
59. Raising or slaughter of sheep, goats, horses, mules, swine, bovine animals and other similar domesticated quadrupeds when more than two (2) mature animals for each acre in the entire property.
60. Recreation center.
61. Recreation vehicle park.
62. Religious revival meeting.
63. Residences or mobilehomes in excess of those allowed under subsection A (No. 2) for use by persons specified therein.
64. Rifle, pistol, shotgun, and archery clubs and ranges.
65. Rock crusher and distribution of rock, sand and gravel.
66. Rodeo ground or roping arena.
67. Sales of agricultural products and feed for livestock and fowl, including sale at roadside stands and from vehicles, which does not constitute an allowed use under subsection A (No. 12).

68. School, private.
69. School, public.
70. Sawmill, shingle mill, or box shook mill.
71. Seed cleaning and treating plants.
72. Sewage treatment plant and disposal area.
73. Slaughterhouse.
74. Solid waste recycling operations.
75. Stadium or sports arena.
76. Stockyard.
77. Temporary buildings and uses not otherwise expressly permitted in the A-1 Zone, for periods of not to exceed two (2) years if located outside of an Urban Improvement Area or Urban Development Boundary, and for periods of not to exceed six (6) months if located within an Urban Improvement Area or Urban Development Boundary.
78. Waste and refuse disposal sites, private and public.
79. Winery.
80. Similar uses when determined in the manner described in section 15-A-1-b of the Zoning Ordinance.
81. Divisions of land as follows:
 - a) Divisions of land resulting in parcels containing less than five (5) acres for the purpose of conveying property containing existing agricultural-related industries or services established in accordance with all applicable building and zoning regulations.
 - b) Divisions of land resulting in parcels containing less than five (5) acres for the purpose of establishing new agricultural-related industries or services in accordance with all applicable building and zoning regulations.

PROHIBITIONS OF
SUBDIVISIONS

- C. No subdivision, as that term is defined in Section 2 of this Ordinance, may be created within this zone. (Added by Ord. No. 1414, effective 12-10-70; amended by Ord. No. 1539, effective 1-11-73; amended by Ord. No. 1807, effective 4-3-75; amended by Ord. No. 1990, effective 1-27-77.)

DIVISIONS OF
LAND

- D. All real property, improved or unimproved, which is shown on the latest adopted County Tax Roll as a unit or as contiguous units and which is owned by the same person or persons, shall not be divided after the effective date of this subsection, except in compliance with this subsection. No such land may be divided for any purpose, if any one (1) parcel resulting from the division of land contains less than five (5) acres; provided, however, that the following transactions are not subject to this restriction. (NOTE: The 5 acre minimum parcel size requirement was established by Ord. No. 1539, effective 1-11-73.)
1. Any conveyance made or required by court decree and intestate or testamentary dispositions of land.
 2. Any conveyance to the State of California, any city or county, any political subdivision of the State of California, or any public utility subject to regulation by the State Public Utilities Commission. However, this exception does not apply to conveyances to any of said entities, including the State Department of Veterans Affairs, which are financing transactions.
 3. Any conveyance of easements or oil, gas and mineral rights.
 4. If a portion of a parcel of property is separated from the main portion of the property by a river, railroad, improved public road or a canal which is regularly used for the conveyance of water and the channel of which is six (6) feet or more in width, said portion of the parcel may be conveyed as a single unit even though it contains less than five (5) acres.
 5. If a person desires to convey a portion of his/her property to the owner of property contiguous to the property to be conveyed, he/she may do so even though the parcel being conveyed contains less than five (5) acres. However, the parcel being retained shall contain at least five (5) acres unless the transaction comes within one of the following provisions:

- a. The conveyance to the contiguous owner is to convey property on which improvements, including growing improvements, owned by the contiguous owner have been constructed or planted in error.
 - b. The conveyance to the contiguous owner is to convey property to provide necessary yard areas as required for the zone in which the property is located.
 - c. If there is a residence or mobilehome on the property to be retained by the person making conveyance, he/she may retain the residence or mobilehome on a parcel at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, and convey the remainder of the property to the contiguous owner. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose. (Amended by Ord. No. 2751, effective 2-11-87.)
6. (Added by Ord. No. 1414, effective 12-10-70; amended by Ord. No. 1539, effective 1-11-73; repealed by Ord. No. 1990, effective 1-27-77.)
 7. If a person desires to construct a residence on his/her property for use in compliance with the provisions of the A-1 Zone, one (1) parcel of twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, may be divided for the purpose of financing a residence. Once a person has divided one (1) parcel from his/her property pursuant to this paragraph, he/she may not at any time thereafter cause a second parcel to be divided from the property pursuant to this paragraph. However, if a person who has created one (1) parcel pursuant to this paragraph, conveys part or all of his/her property, his/her successors in interest shall also have the right to create one (1) parcel pursuant to this paragraph if they meet all the requirements of this paragraph. (Amended by Ord. No. 2112, effective 6-1-78; amended by Ord. No. 2751, effective 2-11-87.)
 8. If a person desires to sell his/her property but wishes to retain a parcel of land containing a residence or mobilehome which has been established in accordance with all applicable building and zoning regulations and which has existed on that property for at least three (3)

years, one (1) parcel of at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size, may be divided for this purpose. However, the provisions of this paragraph shall not be applicable if the lot or parcel being divided contains less than five (5) acres. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose. (Amended by Ord. No. 2751, effective 2-11-87.)

9. If a person decides to sell a residence or mobilehome which has existed on the property for at least ten (10) years, and retain the balance of the property, a parcel of at least twelve thousand five hundred (12,500) square feet in size but not more than sixty-five thousand (65,000) square feet in size may be divided for this purpose. If there is more than one such residence or mobilehome on the property, there may be more than one division of land pursuant to this paragraph. However, the provisions of this paragraph shall not be applicable if the lot or parcel being divided contains less than five (5) acres. Once a parcel has been divided for this purpose, the parcel containing the residence or mobilehome may not be divided again for any purpose. (Amended by Ord. No. 2751, effective 2-11-87.)
10. The following transactions do not conform to the aforementioned five (5) acre limitation but they do have the following special temporary status:
 - a. A person owning two (2) or more contiguous parcels, lots or units shown on a final subdivision or parcel map recorded in the office of the Tulare County Recorder shall have the right to convey, lease or finance one or more of such parcels, lots or units and to secure permits to develop any of such parcels, lots or units, although the individual parcels, lots or units contain less than the required five (5) acres, unless and until the circumstances stated in subparagraph d below occurs.
 - b. A person owning two (2) or more contiguous parcels, lots or units shown on a parcel map, when the recordation of a final parcel map has been waived, or two (2) or more contiguous parcels, lots or units in an approved lot split may under the former County ordinance establishing lot split procedures, which did not authorize recordation of a

final map, shall also have the rights set forth in subparagraph a above, unless and until the circumstances stated in subparagraph d below occur.

- c. A person owning property who has filed with the Building and Planning Director a tentative subdivision or parcel map which contains parcels, lots or units of a size that conform to the existing zoning but do not conform to the five (5) acre minimum in the A-1 Zone, and said filing is made before the A-1 Zone becomes applicable to the property being divided, shall have the right to have said map processed after the A-1 Zone becomes effective shall have the right to convey, lease or finance one or more parcels, lots or units and to secure permits to develop such parcels, lots or units after the A-1 zoning becomes effective, even though the parcels, lots or units contain less than five (5) acres, unless and until the circumstances stated in subparagraph d below occur.
- d. Under sections 7121-7121.7 of the Tulare County Ordinance Code, the Board of Supervisors has the power, after a public hearing, to merge existing parcels, lots or units in subdivisions, parcel maps and lot splits. If such merger occurs with regard to property described in subparagraphs a through c above, all of the contiguous parcels, lots or units under a single ownership shall merge and thereafter no parcels, lots or units may be conveyed, leased or financed, until a new subdivision or parcel map has been approved when required by State law or the Tulare County Ordinance Code, and no permits or development may be issued except in conformity with the requirements of the A-1 Zone.
- e. Two (2) more more contiguous parcels, lots or units of the type described in subparagraphs a through c above shall not have the special temporary status described in subparagraphs a through c above if: (1) the parcels, lots or units lie outside of the Urban Area Boundary as designated by the General Plan; (2) the parcel, lot or unit to be conveyed, leased or financed is less than five (5) acres or the total property to be retained is less than five (5) acres; (3) the parcel, lot or unit to be conveyed was created prior to February 3, 1959; and (4)

the parcels, lots, or units to be conveyed lie west of the eastern boundary of the Foothill Region, as delineated in the Foothill Growth Management Plan, said boundary to include the northern boundary of the Three Rivers Planning Area, as delineated in the Three Rives Community Plan. Therefore, none of such parcels, lots or units may be conveyed, leased or financed under this paragraph 10. (Amended by Ord. No. 2751, effective 2-11-87.)

11. If a person desires to transfer a parcel of real property, made voluntarily and without any consideration, and retain the balance of the property, one (1) or more parcels of twelve thousand five hundred (12,500) square feet or more may be divided for this purpose. No tentative map may be approved for such division of land unless the decision-making body finds, based upon substantial evidence in the record, that there is no intent to divide the property for purpose of sale, now or in the future. This paragraph shall not be applicable if any portion of the property is located within an Urban Area Boundary, adopted pursuant to the Urban Boundaries Element of the General Plan. (Added by Ord. No. 2693, effective 2-27-86.)

Notwithstanding the aforementioned restrictions, if the entire property contained less than five (5) acres prior to the effective date of this paragraph, the entire property may be sold as a single unit.

Any divisions of land which are allowed under this subsection shall be made in compliance with the provisions of Sections 7100-7110 of the Ordinance Code of Tulare County.

APPEALS PROCEDURES
(Excerpt from Tulare County Ordinance Code)

**ADMINISTRATIVE
APPEALS**

SECTION 115. As to any matter which the Board of Supervisors by ordinance or resolution makes subject to the provisions of this section, the appeal to the Board of Supervisors and review shall be controlled by the following rules:

- (a) An appeal from a finding, decision or action of a Tulare County agency, office or employee shall be taken by filing a written notice of appeal within ten (10) calendar days after the finding, decision or action is announced to the applicant or person affected, or, in those cases where written notice of the finding, decision or action is required, within ten (10) calendar days after the mailing of the notice of the finding, decision or action. The finding, decision or action shall be final unless such written notice of appeal is filed within said 10 day period. A notice of appeal shall be in writing, shall be filed with the Clerk of the Board of Supervisors and shall state specifically wherein it is claimed there was an error or abuse of discretion. The Board of Supervisors shall consider only the issues raised in the Notice of Appeal as basis for appeal. Appellant, with approval of the Board of Supervisors, may amend the written notice of appeal to include additional issues, before submission to the Board of Supervisors for decision.
- (b) Upon the filing of the Notice of Appeal, the County agency, office or employee shall transmit to the Clerk of the Board of Supervisors copies of all documents pertaining to this matter, such transcript of testimony as the appellant shall specifically request, and a summary of all of the evidence presented. The County agency, office or employee shall recover from the appellant the costs of preparation of any transcript of testimony requested by the appellant.
- (c) The Clerk of the Board of Supervisors shall give notice to the appellant, the applicant (if the applicant is not the appellant) and to the responding County agency, office or employee of the date when the appeal will be heard by the Board of Supervisors. In addition, the clerk shall give such other notice as may be required by law or ordinance.
- (d) At the hearing on appeal, the Board of Supervisors shall review the documents pertaining to the matter, offered summaries of the evidence, such transcript of testimony as may be furnished; and will hear such testimony as is relevant to the issues raised in the Notice of Appeal and any amendments thereto. Oral evidence shall be taken on oath or affirmation. Each

side shall have the right to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues on appeal even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If a party does not testify on his own behalf he may be called and examined as if under cross-examination. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but may be rejected by the Board members if deemed unreliable. The rules of privilege shall be effective to the extent that they are otherwise required by Statute to be recognized at a hearing. Irrelevant and unduly repetitious evidence shall be excluded. At the conclusion of the hearing, the Board of Supervisors may affirm, reverse or modify the finding, decision or action, or may refer the matter back for further action.

- (e) Judicial review of a decision of the Board of Supervisors made after a hearing pursuant to this section shall be made pursuant to section 1094.6 of the California Code of Civil Procedure where and to the extent said section may be applicable.

The provisions of this section shall be applicable only where there is a specific reference to this section by resolution or ordinance, directing that the provisions of this section shall control. (Added by Ord. No. 2413, effective 5-14-81; amended by Ord. No. 2545, effective 7-28-83.)

Policies and Procedures

TULARE COUNTY BUILDING & PLANNING DEPARTMENT

NUMBER	SUBJECT	EFFECTIVE DATE
706.1	Zoning Policy: Uses: F, Foothill Combining Zone	6/23/81
SOURCE: Planning Commission: Resolutions 5662, 5693, 5876 Board of Supervisors: Resolutions 81-1189, 81-1674, 83-53		

PURPOSE/BACKGROUND:

The regulations of the F, Foothill Combining Zone, require that certain classes of uses and activities be determined by resolution, rather than by inclusion in the Zoning Ordinance. This determination is required for recreation uses, commercial uses, light industrial uses, public and quasi-public uses, and public utilities, communications and transportation uses.

Determination of specific use lists by resolution rather than by formal designation in the Zoning Ordinance is a process which has been utilized successfully in other jurisdictions (i.e., San Diego County). This process facilitates and expedites modification and amendments to the use list without having to undergo formal ordinance change procedures. For example, if a discrepancy is discovered within the adopted use list, the matter can quickly be resolved by the Planning Commission at a public hearing by adoption of a resolution. The only step required is final approval by the Board of Supervisors.

It is intended that once adopted, the proposed list of uses and activities will be made a part of the appendix to the Zoning Ordinance for ready reference by persons proposing developments in the F Zone.

It is the purpose of this policy to set forth the determinations of the Planning Commission and Board of Supervisors on the specific types of uses to be permitted within the above described categories, in the F, Foothill Combining Zone.

POLICY:

Uses Requiring Site Plan Review:

- a. Private, low-intensive recreation and accessory facilities which are not available to members of the public on a commercial basis, including but not limited to fishing and hunting clubs, lodges and summer camps (Section 18.7.B.2.e).

The Commission determined that the term "private, low-intensive recreation uses and accessory facilities" shall consist of the following uses and activities:

1. Private game preserve and hunting clubs, not including hunting for members of the public on a commercial basis.

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SOURCE:	Planning Commission: Resolutions 5662, 5693, 5876 Board of Supervisors: Resolutions 81-1189, 81-1674, 83-53	

2. Private fishing clubs, not including fishing for the general public on a commercial basis.
3. Private campgrounds not available to members of the public on a commercial basis.
4. Private lodges, not available to members of the public on a commercial basis.
5. Private rifle, pistol, shotgun and archery clubs, not available to members of the public on a commercial basis.
6. Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A.1.b. of the Zoning Ordinance.

Accessory uses and facilities established in conjunction with private recreation uses which are clearly subordinate and incidental to that of the principal use. Accessory uses and facilities shall be located adjacent to or on the same site of the private recreation use and may include such uses as storage facilities, off-street parking areas and offices (added by Building and Planning Director, effective July 5, 1984).

Special Uses:

- b. Private or commercial recreation uses, businesses and associated facilities located in conformance with the Foothill Growth Management Plan, including but not limited to resorts, overnight lodging facilities, tourist-related eating and drinking establishments, entertainment establishments and various types of outdoor recreation activities. (Section 18.7.B.3.b)

The Commission determined that the term "recreation uses" shall consist of the following uses, businesses and associated facilities. Said uses, businesses and facilities shall be permitted in conformance with the Foothill Growth Management Plan:

1. Bar or tavern.
2. Bicycle race track.

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3. Cabaret, nightclub, dancing or entertainment in a bar, cafe or restaurant.
4. Campground, excluding private summer camps.
5. Dance hall.
6. Equestrian establishments such as academies, schools and stables.
7. Golf course.
8. Guest ranch.
9. Hunting and fishing clubs available to members of the public, and hunting and fishing on a commercial basis for members of the public.
10. Kennels.
11. Motel.
12. Public park or playground.
13. Recreation center.
14. Recreation vehicle park.
15. Resort.
16. Restaurant or cafe.
17. Rifle, pistol, shotgun and archery clubs and ranges except that no permit is required for rifle, pistol, shotgun and archery clubs not available to members of the public and for ranges maintained for private use by residents residing on the property on which the range is located.
18. Rodeo grounds or roping arenas.
19. Theater including open-air and drive-in.
20. Tourist court.

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SOURCE:	Planning Commission: Resolutions 5662, 5693, 5876 Board of Supervisors: Resolutions 81-1189, 81-1674, 83-53	

21. Incidental and accessory structures and uses located on the same site with and necessary for the operation of a permitted recreation use.

22. Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A.1.b. of the Zoning Ordinance.

Small scale retail and service commercial-type uses located proximate to an existing recreation facility, including convenience stores, gift shops, sporting goods sales and rentals, boat storage, service stations, and Laundromats (added by Building and Planning Director, effective 2/17/84).

c. Neighborhood commercial centers containing stores, shops and businesses featuring the retail sales of commercial goods and services which are desired to meet the day-to-day needs of local residents, including but not limited to convenience sales and personal services, eating and drinking establishments and food and beverage retail sales. (Section 18.7.B.3.c.)

The Commission determined that the term "commercial uses" shall include and consist of the following uses. Such uses shall only be permitted in neighborhood commercial centers in accordance with the standards set forth in the Foothill Growth Management Plan:

1. Ambulance service.
2. Antique store.
3. Art gallery and art studio.
4. Auto service station.
5. Auto, minor service - repair - replacement.
6. Auto parts and accessory store.
7. Auto wash - self-service or automatic.
8. Bakery or pastry shop.

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SOURCE:	Planning Commission: Resolutions 5662, 5693, 5876 Board of Supervisors: Resolutions 81-1189, 81-1674, 83-53	

9. Bar or tavern.
10. Beauty shop or barber shop.
11. Boat sale, rent, minor service.
12. Boat part and accessory store.
13. Book or record store.
14. Bus depot.
15. Butcher and meat market.
16. Cafe or restaurant.
17. Candy store.
18. Child care center.
19. Clothing and apparel store.
20. Coffee shop.
21. Delicatessen.
22. Drive-in cafe.
23. Drive-in food market or stand.
24. Drug store, non-prescription drugs and sundries.
25. Eyeglasses and frames, sales and service.
26. Fire wood - fuel sales.
27. Florist.
28. Frozen good locker.
29. Furniture store.
30. Grocery store or supermarket.

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SOURCE: Planning Commission: Resolutions 5662, 5693, 5876
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31. Hardware store.
32. Hay, seed and grain store.
33. Jewelry store.
34. Laundromat - self-service.
35. Liquor store.
36. Music store, including instrument repair.
37. Office, business or professional.
38. Office, finance, loan, credit, collection.
39. Office, bank, savings and loan.
40. Office, insurance.
41. Office, real estate.
42. Office, accountants, bookkeepers.
43. Office, medical or dental.
44. Prescription pharmacy.
45. Recreation facility, indoor.
46. Recreation facility, outdoor.
47. Shoe repair shop.
48. Soda fountain, ice cream parlor.
49. Tobacco store.
50. Winery sale facility - tasting room.
51. Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board

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of Supervisors by resolution pursuant to the provisions of Section 15.A.1.b. of the Zoning Ordinance.

- d. Buildings and uses of a public or quasi-public character, including but not limited to cemeteries, churches, medical facilities, educational institutions, and government buildings and grounds. (Section 18.7.B.3.e.)

The Commission determined that the term "public and quasi-public" shall consist of the following buildings and uses:

1. Animal hospital/veterinarian.
2. Cemetery, columbarium, mausoleum, crematory.
3. Church.
4. Fire station.
5. Hospital, sanitarium and nursing home.
6. Memorial building, theater, auditorium not including school auditorium.
7. Nursery school.
8. Police station.
9. Post Office.
10. Power/energy generation facilities.
11. Public library.
12. Public works maintenance facility.
13. School, public and private.
14. Sewage treatment plant and disposal area.
15. Waste and refuse disposal site, public and private.
16. Water treatment plant.

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17. Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A.1.b. of the Zoning Ordinance.

- e. Public utility, communication and transportation uses and facilities, including but not limited to airports, heliports, electrical distribution substations and communication towers. (Section 18.7.B.3.g.)

The Commission determined that the term "public utilities, communication and transportation" shall consist of the following uses and facilities:

1. Airport.
2. Airport, agricultural.
3. Heliport.
4. Heliport, agricultural.
5. Public utilities structure.
6. Radio, microwave and television towers in excess of seventy-five (75) feet in height or within 2 miles of an airport or heliport.
7. Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A.1.b. of the Zoning Ordinance.

- f. Any kind of light, non-polluting manufacturing, processing, storage or treatment of products other than those which may be obnoxious or offensive by reason of odor, dust, smoke, gas, noise or other similar causes. (Section 18.7.B.3.d.)

The Commission determined that the above terminology shall include the following uses and activities:

1. Assembling of typewriters, business machines and similar mechanical equipment.

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2. Assembly of small electric appliances such as lighting fixtures, irons, fans, toasters and electric toys, refrigerators, washing machines, dryers, dishwashers and similar home appliances.
3. Assembly of small electrical equipment such as home motion picture equipment, phonographs and radio and television receivers, but not including electrical machinery.
4. Bottling plants.
5. Compounding and packaging of cosmetics, pharmaceuticals and toilet-ries, but excluding soap manufacture.
6. Food processing, packaging and storage, including milk products, fruits, nuts, vegetables, blended foods, candies, non-alcoholic beverages, preserves, bakery goods and frozen foods; but excluding dehydrating of aromatic vegetables and spices; olive processing, vinegar manufacturing by fermentation, pickle manufacturing, sauerkraut manufacturing, livestock feed manufacturing and process-ing, fertilizer manufacturing, butchering, slaughtering, eviscerat-ing and fat rendering.
7. Manufacture of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, cameras and photographic equip-ment except film, electronic equipment, musical instruments, preci-sion instruments, optical goods, watches and clocks.
8. Manufacture of ceramic products, such as pottery, figurines and small glazed tile.
9. Manufacture and assembly of electrical supplies such as coils, con-densers, crystal holders, insulation, lamps, switches and wire and cable assembly.
10. Manufacture and assembling of jewelry, watches, clocks, precision instruments, bottles and other glass products which are made from previously prepared materials.
11. Manufacturing of leather goods, paper products, pens, pencils and artist supplies when such goods, products and supplies are made from previously prepared materials.
12. Manufacture of cutlery, hardware, hand tools and furniture; metal stamping and extrusion of small products such as costume jewelry,

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pins and needles, razor blades, bottle caps, buttons and kitchen utensils.

13. Manufacturing, assembling, compounding, packaging and processing of articles or merchandise from the following previously prepared materials; asbestos, bone, canvas, cellophane, cellulose, cloth, cork, feathers, felt, fiber and synthetic fiber, fur, glass, hair, horn, leather, paint (not employing a boiling process), paper, plastics, precious or semi-precious metals or stones, rubber and synthetic rubber, shell, straw, textiles, tobacco and wood.
14. Manufacturing of containers from previously prepared materials when such process does not include enameling, lacquering, rubber coating or electric plating.
15. Manufacture and maintenance of electric and neon signs, billboards and commercial advertising structures.
16. Printing, publishing, bookbinding and paper sales.
17. Lumber yards, including planing mills; mattress manufacture; storage yards for commercial vehicles.
18. Wholesale stores and storage warehouses.
19. Wholesale meat cutting and packing, provided there shall be no slaughtering, fat rendering or smoke curing.
20. Winery, provided that no grapes other than those grown on the same site may be crushed, not to exceed a total of 100 tons of grapes per year.
21. Those uses and activities which are found by the Building and Planning Director to be similar to and compatible with those specific uses and activities identified by the Planning Commission and Board of Supervisors by resolution pursuant to the provisions of Section 15.A.1.b. of the Zoning Ordinance.

Rock crushers established and operated in conjunction with a surface mining operation approved pursuant to Sections 7710-7725 of the Zoning Ordinance (added by Building and Planning Director, effective 7/6/84).

**AMENDMENTS TO THE TEXT OF ORDINANCE NO. 352,
THE ZONING ORDINANCE OF TULARE COUNTY**

<u>ORDINANCE NO.</u>	<u>DATE EFFECTIVE</u>	<u>SUBJECT</u>
364	May 15, 1948	Amended Section 3
422	March 28, 1950 (Superceded by Ord. No. 494 & Ord. No. 703)	A-1 Zones, Airports
481	November 28, 1951	Lot, Parcel Defined, Cotton Gin - M-2 Zone, Administrative Use Permit Procedure
494	March 25, 1952	A-1 Zone, Airports
635	October 24, 1957	Section 15, Fences, Hedges
650	March 27, 1958	Adopted P-O Zone
703	August 27, 1959	Uses - R-A, R-O, R-1, R-2, R-3, A-1, C-2, Special Use Permits
731	October 13, 1960	Adopted -O- Zone
762	April 27, 1961	Section 15 - Used Car Sales Areas
764	April 27, 1961 (Superceded by Ord. No. 1094)	Temp. Variances
810	January 11, 1962	Variances
837	June 28, 1962 (Superceded by Ord. No. 1149)	Defined "Auto Trailer"
967	October 15, 1964	Equestrian Establishments
1073	June 16, 1966	Labor Camp
1094	September 1, 1966	Administrative Variances (Staff Level)
1121	February 23, 1967	Adopted Special Combining Zone
1149	July 11, 1967	Adopted M-Overlay Zone
1152	August 10, 1967	Animal Uses - R-A, R-O, O
1169	October 26, 1967	Adopted AE Zone
1176	December 14, 1967	PUD - Section 18.5
1195	February 22, 1968	M-1, M-2 Uses, No Residences in M-2 Zone
1217	July 1, 1968 (Superceded by Ord. No. 1366)	Fees
1311	June 19, 1969	AE, M-2 Uses, Fire Stations
1345	September 20, 1969	Fee Refunds
1366	April 2, 1970	Fees
1371	April 16, 1970	Adopted F-1, F-2 Zones
1382	May 28, 1970	Alcoholic Beverages
1414	December 10, 1970	Prohibit Subdivisions - A-1 Zone
1459	October 1, 1971	Define "Family"
1487	February 17, 1972	Define "Business & Professional" P-O Zone
1520	August 31, 1972	Adopted AE-20, AE-80
1526	October 5, 1972	Dairies - AE Zone, Use Permit
1527	October 12, 1972	Campgrounds
1528	October 12, 1972	Fire Stations, Police Stations
1539	January 11, 1973	Converted A-1 Zone to an Exclusive Agricultural Zone
1540	January 11, 1973	Fee Waiver, Zone Changes in A-1, 1 year

<u>ORDINANCE NO.</u>	<u>DATE EFFECTIVE</u>	<u>SUBJECT</u>
1557	April 12, 1973	Flammable Liquids
1585	May 31, 1973	Special Uses
1586	May 31, 1973	Homesite Parcels (3 Year Residences) - All Agr. Zones
1596	June 28, 1973	Adopted Section 2.5; Division of Land - All Agr. Zones
1602	July 5, 1973	Rifle Ranges, Solid Waste Disposal Sites
1638	September 27, 1973	Division of Land, All Agr. Zones
1660	December 7, 1973	Real Estate Office
1685	April 4, 1974	Certificates of Compliances
1717	April 30, 1974	PW Maintenance Facilities
1807	April 3, 1975	Define "Subdivisions"
1946	August 12, 1976	Adopted AE-10, AE-40 Zones
1972	November 8, 1976	Adopted Zoning Administrator Procedures
1990	January 27, 1977	Lot Mergers - All Agr. Zones
2069	December 8, 1977	ZA Appeals
2107	May 4, 1978	Variance Findings
2112	June 1, 1978	Financing Parcels, Agr. Zones
2165	October 12, 1978	Fees
2179	November 23, 1978	PC Approval of Use Permits & Variances
2185	November 30, 1978	Adopted TPZ Zone
2217	March 22, 1979	Interim School Facilities
2220	March 29, 1979	Surface Mining and Reclamation
2233	May 17, 1979	Penalties, Infractions
2272	September 27, 1979	Lots of Record, Agr. Zones
2282	October 25, 1979	Adopted SC Zone
2299	January 17, 1980	Mobilehome Amendments
2320	April 3, 1980	Adopted AP Zone
2335	June 5, 1980	Kennels
2350	July 31, 1980	Biomass Fuels
2351	August 7, 1980	AP Zone Amendments
2388	December 12, 1980	Agr. Aircraft Industries & Services
2407	March 26, 1981	Adopted AF Zone
2416	May 28, 1981	Apiaries and Honey Extraction Plants
2417	May 28, 1981	Adopted PDF Zone and Site Plan Review; Amend SC and M-Overlay Zones
2430	August 28, 1981	Correctional Institutions
2438	October 1, 1981	Fees
2443	October 29, 1981	Agr. Preserves in PDF Zone
2446	November 5, 1981	Fees: Site Plan Review
2453	December 24, 1981	Mobilehomes, SB 1960
2480	July 1, 1982	MH Parks SB 484, Residences in M-1
2481	July 1, 1982	Setback Variances
2492	August 26, 1982	Amend Site Plan Review Process
2516	January 27, 1983	Setbacks for Cornices, Eaves, and Arch. Features

<u>ORDINANCE NO.</u>	<u>DATE EFFECTIVE</u>	<u>SUBJECT</u>
2520	February 24, 1983	Agr. Zone Uses, Mfg. in Agr. Zones
2523	March 31, 1983	Home Occupations
2537	June 16, 1983	Conveyance of Lots in A-1 Zone Mtn. Area
2538	June 16, 1983	Satellite Dish Antennas
2542	July 7, 1983	Wrecking Yards, Recycling Operations
2545	July 28, 1983	Appeals Period
2562	September 22, 1983	Second Units
2566	September 29, 1983	Alcoholic Beverages, Kennels
2591	March 15, 1984	Fees
2647	February 28, 1985	Notice - AB 2038
2665	September 12, 1985	Fees
2668	October 3, 1985	Interim School Fees
2692	February 27, 1986	Sales of Agr. Products From Vehicles
2693	February 27, 1986	Gift Deeds in Agr. Zones
2706	Never effective - rescinded April 22, 1986	Non-Conforming Buildings and Uses
2708	May 30, 1986	Expanding Nonconforming Bldgs. & Uses
2714	July 17, 1986	Revisions to C-1, C-2, M-1 and M-2; Adoption of C-3 Zone
2719	August 28, 1986	Special Use Permits and Variance Procedures - Discontinuance
2720	August 5, 1986 (Urgency)	Agr. Zones - Agr. Services and Processing Facilities
2727	October 16, 1986	Fees
2741	December 4, 1986	Revised F-1 Zone and repealed F-2 Zone
2750	January 15, 1987	Repeal Prohibition of Subdivisions - Agricultural Zones
2751	February 1, 1987	Homesite Parcels and Paper Subdivisions - Agr. Zones
2754	January 15, 1987	Plant Nurseries, Helicopter Mfg. with a Heliport - Agr. Zones
2796	October 24, 1987	Fees

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